

Darul Sunnah

# **Taqlid and Ijtihad – Why is it necessary to follow a Madhab?**

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## **Introduction**

In the name of Allah, the Most Beneficent, the Most Merciful. Peace, blessings, tranquillity and salutations are upon our blessed prophet (PBUH). Mercy and bliss be upon his magnanimous companions who strove with their lives, wealth and energies to convey his divine message to the rest of humanity. Appreciation, award and benediction be upon those scholars who devoted their lives to consolidate the message of the deen by clarifying, propagating and protecting the Quran and Sunnah. May the help of Allah be upon those individuals who accept and follow the pious predecessors with admiration for their efforts in preserving the Deen. Finally, may rectification, guidance and reformation be for those who deny, dishonour and disregard these nobles, whom Allah, the Almighty, and All wise accepted for the service and cause of His sacred, sanctified and pristine Deen.

## **Who are the Salafis?**

In recent times, a new group of people called the “*Salafis*”, ‘*ahle-hadith*’ or ‘*wahabis*’ emerged. In the latter part of the 18<sup>th</sup> century, this assembly of ultra-conservative extremist individuals started spreading their beliefs throughout Arabia. The Salafi doctrine is centred on the concept of looking back to the *salaf* (pious predecessors). Despite the fact that they claim to follow the *salaf*, nevertheless they go against them. We will provide evidences towards this later in the book.

Salafism shows an intense antagonism towards **Madhabs** (schools of thought). Throughout history, majority of Muslim scholars have been assigned to a school of thought. However, the Salafis have been retaliating against the concept of following any of the *four* madhabs. In fact, more so among the youth, who lack depth of understanding. Due to being intellectually immature they are quickly entrapped by these antagonists. The reason is that the front is very appealing. Any youth who wishes to make a change from irreligiousness to piety, and develops a desire to practise upon the Quraan and the Sunnah (and this normally happens by the virtue of Dawah and Tabligh), is quickly pursued by these people. After entangling him in their nets, and misleading him into thinking that most practises are bidah (innovations), they render him impractical and useless. Consequently, he only remains good in raising objections against all and sundry. In the United Kingdom, some of these trends began taking root.

It is our hope that this book will help refute their claims. As Qiyamah approaches, many fitnahs (evil and corruption) will appear. These fitnahs will increase as the hour draws nearer, and as we go further away from the period of our Beloved Prophet (PBUH), it will result in the ummah being split up into many groups. Those groups, who have gone astray, were either from amongst those who discredited sahabah or from those who abandoned the concept of TAQLID of the four great Imams. In other words, one who does not make TAQLID of one of the four imams is on the path towards Ilhad (deviance).

I would like to emphasise the point that the majority of the esteemed ‘Ulama’ of the Ummah were **Muqalids** of one of the four imams. Allamah Suyyuti (may allah be pleased with him) was a great Shafii scholar.

Once he decided to leave the confines of following his selected madhab. After a short period of time, he discovered the evil consequences thereof, repented and resumed making **taqlid** of Imam Shafi. During the time of the prophet (PBUH) everyone was either a **muqallid** (a person who does taqlid) or a **mujtahid** (a person who does **ijtihad**). Imam Ghazali (may Allah be pleased with him) once said that Taqlid in reality is a shield of one's Imaan.

One senior ghair muqallid imam from Amritsar, India, admitted that many people left the confines of Islam due to not being a muqallid.

*“And the last part of my Ummah will abuse the first part of it”.* After reading this hadith, I became apprehensive and anxious as this saying of the beloved (PBUH) indicated the end of times. The truth of the matter is that following an imam is following the divine Shariah, Sunnah and Quran. The Imam is an essential part of the system in order to decipher rulings and to ensure that we follow the correct judgement. The sahaba used to follow ijtihad in rulings and would be guided and inspired towards only that which is correct. As well as this, the companions would provide their opinion on a certain religious matter. If the concept of the four imams performing ijtihad is redundant then how come the sahabas confirmed and clarified hadith. Centuries have passed wherein the Ummah was righteous, guided and aided. Therefore it is paramount for us to also maintain the path which the pious predecessors tread and were rightly guided.

As well as this, another point I would like to mention is the fact that these misguided assembly of people call themselves ‘ahle-hadith’ or ‘salafis’. The reason for this is because they determine the term ‘wahabis’ to be colloquial and informal despite the fact that they stemmed from a man name Abdul Wahhab who was from Najd, Saudi Arabia. They claim that their methodology of Islam is the only true way by titling themselves as the **Saved Sect**. In some cases, they even call people who follow a madhab mushriks. Moreover, salafis like to be known as ‘the people of Hadith’. In spite of being called this, they sometimes use hadith in the wrong context by totally disregarding the metaphorical and figurative meanings of them. These points will be elaborated further throughout this treatise, In-sha-allaah.

The salafi creed is based upon three individuals. Imam Abdul Aziz bin Baaz, Shaykh Uthaymeen and Shaykh Nasir Albani. These persons have made mistakes in the field of Aqeedah (Beliefs) and Fiqh (Jurisprudence). A chapter of this book will be devoted to refuting their unethical and atrocious claims as well as shedding some light on this situation.

Salafis like to reference themselves to Ibn Taymiyyah (May Allah Have Mercy Upon Him) and Ibn Qayyim (May Allah Have Mercy Upon Him). Ibn Taymiyyah and Ibn Qayyim were both controversial scholars who had many opposing views. However, they never claimed the ideologies and the philosophies that the Salafis claim today. Ibn Taymiyyah has written a book in defence of those who follow a Madhaib. The Salafis like to accept the notorious views whilst disregarding the excellent work provided by these two respected scholars. In actuality these scholars made mistakes in some fields of Aqeedah and Fiqh. In some cases, they even go against some of the teachings of these two controversial yet esteemed scholars. This topic will also be discussed in this book. May Allah have mercy upon them both and accept their efforts towards the Deen.

Dr Yasir Qadhi – an ex Salafi – agreed that the movement was very extreme, hostile and negative towards interpretation of some rulings. All in all, the so called **saved sect** has many flaws which will all be thoroughly scrutinised. It is vital that the Ummah is aware of these fitnahs and follow the true methodology of the salaf (pious predecessors).

## MADHABS

A madhhab is a school of thought within fiqh (Islamic jurisprudence). The word *madhhab* is derived from an Arabic word meaning “to go” or “to take as a way” In the first 150 years of Islam, there were numerous madhahib, most of which have become extinct or merged with other schools. The Amman Message, which was endorsed in 2005 by prominent Islamic scholars around the world, recognized four Sunni schools (Hanafi, Maliki, Shafi'i, Hanbali).

The Hanafi school was founded by Abu Hanifa an-Nu'man. It is followed by Muslims in the Levant, Central Asia, Afghanistan, Pakistan, India, Bangladesh, Western Lower Egypt, Iraq, Turkey, the Balkans and by most of Russia's Muslim community. There are movements within this school such as Barelvis and Deobandi, which are concentrated in South Asia.

The Maliki school was founded by Malik ibn Anas. It is followed by Muslims in North Africa, West Africa, the United Arab Emirates, Kuwait, in parts of Saudi Arabia and in Upper Egypt. In the past, it was also followed in parts of Europe under Islamic rule, particularly Islamic Spain and the Emirate of Sicily.

The Shafi'i school was founded by Muhammad ibn Idris ash-Shafi'i. It is followed by Muslims in Saudi Arabia, Eastern Lower Egypt, Indonesia, Malaysia, Jordan, Palestine, the Philippines, Singapore, Somalia, Thailand, Yemen, Kurdistan, and the Mappilas of Kerala and Konkani Muslims of India. It is the official school followed by the governments of Brunei and Malaysia.

The Hanbali school was founded by Ahmad ibn Hanbal. It is followed by Muslims in Qatar, most of Saudi Arabia and minority communities in Syria and Iraq. The majority of the Salafist movement claims to follow this school. However, many hanbali scholars have refuted them due to them being ghair-muqalideen and not following some of the most basic principles of the hanbali madhab.

The difference found in the four Schools of Islamic law (Hanafi, Shafi, Maliki and Hanbali) in this nation is a huge blessing and an enormous virtue. It has a subtle hidden wisdom the intelligent are able to grasp, but the ignorant are blind of.

## **Is Following One Of The Four Madhabs Necessary? A Self-Assessment**

1. All the sacred verses and hadith are in Arabic. The four Imams were experts in the Arabic language and I am not.
2. The four Imams lived in an age that was described by the Prophet (pbuh) as the most blessed of Islamic ages. He (pbuh) said: The best of my Umma are those of my generation, then the (generation) that follows them and then the (generation) that follows them (Sahih al-Bukhari). Obviously, I cannot claim to have this distinguished credential.
3. All four Imams were attested as being the most God-fearing and pious of people by thousands of leading Ulama (Scholars).
4. Thousands of scholars throughout Islamic history considered the opinions of the Imams to be the most superior and refined understanding of the Qur'an and Sunna. Not a fraction of these numbers have ever attested to my wisdom or scholarly credentials
5. The four Imams have an extraordinary track record. That is, the whole Umma embraced their opinions for over a thousand years. Throughout the Muslim world, Muslims followed one of the four schools [see last section]. My view(s) cannot claim this profound acceptability. The companion Ibn Masud said: That which the Muslims deem to be good, is good with Allah (Musnad Imam Ahmad). The odd opinions I may concoct do not have this solid recommendation.
6. In so many matters of life I only feel at ease if I get an expert's advice. I turn to doctors, mechanics, architects and many other specialists to tell me what to do. My religion is the most important thing to me, thus it makes sense to rely on the greatest intellects of the Umma to guide me
7. A school is the best way to protect the Deen from untrained individuals twisting it to suit ulterior motives and desires. I do not know of a better way to protect the Deen from distortion than this
8. Other schools were never meticulously codified and refined as were the opinions of the four Imams. Thus it is a red herring to say why only follow these four and not the madhab of say, Thawri or Tabari etc.

9. If Salafism was the way of this Umma throughout its history, why would Sunni scholars continuously condemn it as a dangerous deviation? For example, the great scholar Ibn Rajab (d. 795 AH) wrote a book against them called: Refutation Of Those Who Follow Other Than The Four Schools (Ar-radd `ala man ittaba ghayr al-madhahib al-arba`a).

### **The Dangers Of Abandoning The Four Schools**

We all love to be given a choice. Having a range of hats or shirts to choose from is a luxury. But it would be suicide if we brought this mentality of the marketplace into our religion. When a person says it is not obligatory for the Muslim to follow one of the established schools that is what he is doing. People are then free to shop for whatever opinion takes their fancy! This is termed making your desires into religion and it is forbidden by this verse:

*Have you seen the one who takes his desires as his god (45:23).*

If the millions and billions of Muslims were supposed to apply their minds to the verses and hadith, chaos would only result. Without the scholarly expertise (or a high level of fear of Allah ta`ala) they would make horrendous mistakes. One of the legacies of the four Imams was their accurate use of analogy. That is deducting new rulings where nothing is clearly mentioned. These master scholars expended their intellects on precisely discovering the basic reason behind a ruling (`illa). If that reason is found elsewhere, they concluded, the same ruling would apply. And likewise if it is absent in another context then the ruling does not apply. For instance, many of the intoxicants and drugs that exist today were not mentioned in revelation. Nevertheless, the Islamic jurists explained, because the basic reason behind the forbidding of alcohol was intoxication, logically these other substances must also be considered forbidden by Allah Almighty. But the Salafi/"ahle-Hadith" campaign to get rid of the schools and their rules, would have individuals (and we are witnessing it happening more and more frequently today) turning to the verses and hadith and arguing, -for example- *"I think the reason why ablution (wudhu) was made necessary before prayers was due to the extreme heat people lived in back in those days. In our age we have air conditioners, deodorants etc. Thus since the original reason does not exist anymore, wudhu is no longer necessary"*

Take another example: *"The reason Islam forbade having boyfriends and girlfriends was because of the danger of children being born without*



*there being anything to bind the father to take responsibility. Today, effective contraception is easily available and DNA testing ensures no father can deny his child, thus this fear is now fully taken care of. So Muslims should also embrace the culture of men and women freely mixing and dating.*” If the regulation provided by the four schools is thrown away, how do you stop the many individuals that form part of the Umma, who are weak of iman and taqwa, from turning Islam into a carnival of desires? This horror story is the ultimate end of the simplistic call of Salafism. It is this same call that has tragically even led to individuals perpetrating mass-murder on the streets of many cities in the name of Islam! Rather, it is nothing but a subversion and mockery of Islam.

At the outset, it is important to understand that all four Madhāhib (schools of thought) are on Haqq (the truth). If any individual adheres sincerely to any of the four Madhāhib (Hanafī, Shāfi’ī, Mālikī, and Hambalī), he will be following the right path. The prophet (PBUH) said in a hadith – “Follow the vast majority of my ummah.” The majority of the ummah opines that following a madhab is necessary. As well as this, the prophet (PBUH) said “Allah will never allow my ummah to unite upon misguidance, Allah’s assistance is with the largest group and whoever deviates from them will be cast into the fire.” (Tirmidhi)

After the era of Rasūlullāh Sallallāhu Alaihi Wa Sallam and the Sahābah there was a need to codify Islāmic Fiqh (Jurisprudence). There were many chosen servants of Allāh Ta’ālā who were qualified in the field of Ijtihād i.e. to extract laws directly from Qurān and Hadīth. Among them were the four Imāms, namely Imām Abū Hanīfah, Imām Shāfi’ī, Imām Mālik, and Imām Ahmad bin Hambal Rahimahumullāh. It was the will of Allāh that the Madhāhib of these four great individuals were preserved and passed down from generation to generation. Even today, there are followers of all four schools of thought present in the world.

Even though all four schools of thought are genuine, the Ulama have ruled that it is necessary for a layman to stick to the teachings of one Madhab. The reasons for this are elaborated hereunder:

- It is prohibited to follow one’s desires
- Each Madhab is based on certain principles

Man has been created for the worship of Allāh and to submit to the will of Almighty Allāh and obey His commands. The Qurān has explicitly prohibited Insān from following his baseless desires. If a layman were to choose between the rulings of the various Madhāhib without expertise in

Sharīah knowledge, his criterion to determine which ruling to follow would inevitably be his internal desires. Whichever Madhab he would find to be easier and more accommodating, he would hold on tightly to that view. And in another issue if another Madhab would be more lenient, he would jump to that particular Madhab. With such an attitude, the Deen of Allāh would become a mere play and game that would be followed by people who are in search of fulfilling their desires rather than sacrificing their desires for Allāh Ta'ālā.

Based on this attitude of jumping from Madhab to Madhab, at times one reaches a conclusion that contradicts all scholars and all four Madhabs. This would result in a new and separate Madhab created by himself without having adequate knowledge of Deen.

Another reason why it is necessary to follow one particular Madhab is because the system of each Madhab is based on certain broad principles. Various Juristic rulings flow from these broad principles. Hence, the laws and Masāil of one Madhab are inter-connected in that they flow from the same broad principles. If one was to pick and choose which Madhab to follow for different situations, then he would be causing disruption in the system of principles laid out by the Jurists.

It is important to note at this juncture that a person who follows a Madhab is in actual fact following the teachings of Rasūlullāh Sallallāhu Alaihi Wa Sallam. He is not following the teachings of the Madhāhib so to say, rather he is following Rasūlullāh Sallallāhu Alaihi Wa Sallam the way it was understood by the Madhab. This is similar to a layman seeking religious advice from a scholar. No one would claim that the man is following the scholar himself, rather he is following the way Dīn was understood and explained by the scholar.

The Beloved Messenger of Allah said, "Allah will never allow my Ummah to unite upon misguidance and incorrect beliefs. Allah's mercy, blessings and protection are with the largest group of Muslims. And he who deviates from the largest group of Muslims will be thrown into Hell." *[Tirmidhi]*

A Muslim must follow one of the four Madhabs, or Islamic schools of Fiqh/jurisprudence. There are no correct Madhabs other than these four. In regards to aqaa'id (or belief), the four Madhabs do not differ in their teachings; rather the differences in teaching are in regards to Fiqh issues e.g. the method of Salah, Wudhu etc.

None of the Madhabs are considered wrong and they are all correct in their own way; the four Imams were undoubtedly the greatest of

Mujtahids i.e. scholars who decide the method of certain actions in accordance with the Shariah.

It is important to note here that, one must choose a Madhab and abide by the rulings of that Madhab only. It is not permissible for a person to mix rulings of different Madhab according to their own preferences. For example, if one chooses to follow the Hanafi Madhab, he/she must follow the teachings of Imam Abu Hanifa in every aspect of Fiqh.

One is only ever allowed to refer to another Madhab if it is extremely difficult or even impossible to perform an action in accordance to one's own Madhab. In this case, one must ensure that the action is performed properly according to the alternative Madhab's rulings.

One who does not follow a Madhab has no form of guidance; they will not be able to differentiate between rulings of Islamic Fiqh, or even understand basic Islamic duties i.e. methods of praying Salah.

The scholars advise that a person should remain with one Madhab all their life, unless they change to another for a truly valid reason i.e. religious necessity.

To change Madhab for worldly purposes is considered a dangerous move, as it implies one is taking his religion lightly and there is even a danger that such a person may die without faith. Additionally, changing Madhab requires thorough research and understanding of the conditions of Fiqh. It will also take one much time and effort to fully adapt to the rulings of the new Madhab. For these reasons, it is strongly recommended to stay attached to one Madhab throughout one's life and to abide by it fully.

Ibn Rajab was an esteemed scholar who followed the hanbali madhab, He was the student of Ibn Qayyim (who was the student of Ibn Taymiyyah). He has written in his book refuting those who don't follow a madhab. One of the main quotes he had stated is: "To protect the sunnah, Allah Most High established a group of individuals to distinguish between the lies, whims and mistakes. They corrected to the utmost limit, and memorized it to perfection."

He had also claimed that the Quran is a means of preserving the words of Allah and the Imams and Scholars are a way of preserving the Hadith and Sunnah. His stance regarding the state of the Ummah if the Sahaba all did Ijtihad together at once is staunch and scrupulous. Ibn rajab has written that " It is inevitable that there would be no order in the religion, and the lawful would have become prohibited and the progibted lawful. Everyone would have said what they wanted, and our religion would

have become like the *aqidah* of the people of the two books before us (Jews and Christians). So it is the wisdom of Allah Most High that set the religion and protected it and appointed Imams for the people: *Imams among the scholars of juridical opinion and hadith, whose knowledge, understanding, and arriving at the furthest goals in the ranks of knowledge of rulings and legal verdicts, are all agreed upon. People who came to them to rely upon them for legal verdicts and to refer to them for knowing judgements Allah raised people who corrected their schools and formulated their principles until each Imam's methodology in jurisprudence, basic principles, and details were established; until the rulings were traced back to the basic principles concerning the issues of the lawful and the prohibited were established.*"

This is among Allah's gentle kindness toward His believing slaves, and among the mass of His customary laws in preserving this religion. If not for this, people would have seen the wonder of wonders, every imbecile, hot headed, insolent, sham who was impressed with his opinion would claim that he is the greatest of all Imams, that he is the only one guide to the community, that people should turn only to him, and that no one else should be relied upon.

In spite of this, people still appear, claiming to have reached the level of *Ijtihad*, speak about knowledge without restraint, or following one of the Imams. This is tolerated from some of them because of the apparent veracity of their claims. For others, their statement is rejected and they are declared liars concerning their claim. As for everyone else who had not reached this level: they are only capable of following one of these Imams and following what the rest of the community did.

Allah will surely never guide the community upon misdirection.

Surely, nobody can doubt the fact that up to this day the greatest ever achievement for the Ummah has been its internal intellectual cohesion. From the fifth century up to this day, 90 percent of Muslims have followed a *madhab*. The only group of "Muslims" that did not was the 'khawarij' or the 'rafidi-shias'.

The slogans we hear today about "following the Qur'an and sunna instead of following the *madhhabs*" are wide of the mark, for everyone agrees that we must follow the Qur'an and the sunna of the Prophet (Allah bless him and give him peace). The point is that the Prophet (Allah bless him and give him peace) is no longer alive to personally teach us, and everything we have from him, whether the hadith or the Qur'an, has been conveyed to us through Islamic scholars. So it is not a question of whether or not to take our *din* from scholars, but rather, from

which scholars. And this is the reason we have *madhhabs* in Islam: because the excellence and superiority of the scholarship of the *mujtahid* Imams—together with the traditional scholars who followed in each of their schools and evaluated and upgraded their work after them—have met the test of scholarly investigation and won the confidence of thinking and practicing Muslims for all the centuries of Islamic greatness. The reason why *madhhabs* exist, the benefit of them, past, present, and future, is that they furnish thousands of sound, knowledge-based answers to Muslims questions on how to obey Allah. Muslims have realized that to follow a *madhhab* means to follow a super scholar who not only had a comprehensive knowledge of the Qur'an and hadith texts relating to each issue he gave judgements on, but also lived in an age a millennium closer to the Prophet (Allah bless him and give him peace) and his Companions, when *taqwa* or "godfearingness" was the norm—both of which conditions are in striking contrast to the scholarship available today.

While the call for a return to the Qur'an and sunna is an attractive slogan, in reality it is a great leap backward, a call to abandon centuries of detailed, case-by-case Islamic scholarship in finding and spelling out the commands of the Qur'an and sunna, a highly sophisticated, interdisciplinary effort by *mujtahids*, hadith specialists, Qur'anic exegetes, lexicographers, and other masters of the Islamic legal sciences. To abandon the fruits of this research, the Islamic *shari'a*, for the following of contemporary sheikhs who, despite the claims, are not at the level of their predecessors, is a replacement of something tried and proven for something at best tentative.

The rhetoric of following the *shari'a* without following a particular *madhhab* is like a person going down to a car dealer to buy a car, but insisting it not be any known make—neither a Volkswagen nor Rolls-Royce nor Chevrolet—but rather "a car, pure and simple". Such a person does not really know what he wants; the cars on the lot do not come like that, but only in kinds. The salesman may be forgiven a slight smile, and can only point out that sophisticated products come from sophisticated means of production, from factories with a division of labor among those who test, produce, and assemble the many parts of the finished product. It is the nature of such collective human efforts to produce something far better than any of us alone could produce from scratch, even if given a forge and tools, and fifty years, or even a thousand. And so it is with the *shari'a*, which is more complex than any car because it deals with the universe of human actions and a wide

interpretative range of sacred texts. This is why discarding the monumental scholarship of the *madhhabs* in operationalizing the Qur'an and sunna in order to adopt the understanding of a contemporary sheikh is not just a mistaken opinion. It is scrapping a Mercedes for a go-cart.

Some people say that taqleed [following the school of an Imam] is unlawful in Sharia. They insist that a true Muslim should only follow the Holy Qur'an and Sunna, and they say it is equivalent to shirk [polytheism] to follow an Imam in the matters of Sharia. They also claim that the Hanafi, Shafi'i, Maliki and Hanbali schools were formed some two hundred years after the Messenger's (PBUH) death, and therefore, these schools are a reprehensible innovation [bid'ah]. Some also stress that a Muslim should seek guidance directly from the Qur'an and Sunna and no intervention of an Imam is needed to practice upon the Sharia.

This view is based on certain misunderstandings arising from unnecessary treatment of the complicated issues involved. It is true that obedience, in its true sense, belongs to Allah alone. We do not obey anyone other than Him. This is the logical requirement of the doctrine of Tawhid [belief in the oneness of Allah]. The obedience of the Messenger of Allah has been ordered upon us, only because he is the Messenger of Allah who conveyed to us the divine commandments, otherwise he has no divine status deserving our obedience. By obeying and acting according to the teachings of the Messenger (PBUH), we obtain the pleasure of Allah.

However, the crux of the matter is that the interpretation of the Qur'an and the Sunnah is not a simple one. It requires an intensive and extensive study of the sacred sources of Sharia, which cannot be undertaken by a person unqualified in the field. If every Muslim was obligated to consult the Holy Qur'an and Sunna on each and every problem arising before him, it would burden him with a responsibility that would be almost impossible to fulfill. This is because the derivation of the

rules of Shari'a from the Qur'an and Sunna requires a thorough knowledge of the Arabic language and all the relevant sciences- a combination which every person is not known to have. The only solution to this problem is that a few people should equip themselves with the required knowledge of Shari'a and others should ask them about the rulings in their day-to-day affairs.

This is exactly what Allah has ordained for the Muslims in the following words: "Of every troop of them, a party only should go forth, that they [who are left behind] may get instructions in religion, and that they may warn their people when they return to them, so that they may beware [of evil] (al-Qur'an 9:122).

This verse of the Holy Qur'an indicates in clear terms that a group of Muslims should devote themselves to acquiring the knowledge of Shari'a and all others should consult them for their rulings. Now, if a person asks a reliable scholar [alim] about the juridical [shar'i] ruling in a specific matter and acts upon his advice, can any reasonable person accuse him of committing shirk on the ground that he has followed the advice of a human being instead of the Qur'an and Sunnah? Certainly not.

The reason is obvious, because he has not abandoned obedience to Allah and His Messenger. Rather, he is in search of a way to obey them. However, being unaware of the shar'i commands, he has consulted a scholar in order to know what he is required to do by Allah. He has not taken that scholar as the subject of his obedience, but rather as an interpreter of the divine commands. Nobody can accuse him of committing shirk.

This is taqleed in essence: a person who is not able to understand the Holy Qur'an and Sunna, and so consults a Muslim jurist, often termed an

Imam, and acts according to his interpretation of the sharia. The person never considers the Imam worthy of obedience, but seeks his guidance in order to know the requirements of Shari'a due to not having direct access to the Holy Qur'an and Sunna or not having adequate knowledge for deriving the rules of Shari'a from these sources. This behavior is called taqleed of that jurist or Imam. Thus, how can it be said that taqlid is equivalent to shirk?

The qualified Muslim jurists or Imams, who have devoted their lives to ijtihad, have collected the rules of Shari'a according to their respective interpretations of its sources in an almost codified form. This collection of the rules of Shari'a according to the interpretation of a particular jurist is called the madhhab or "school" of that jurist. Thus, the school of an Imam is not something parallel to the Shari'a or something alien to it. In fact, it is a particular interpretation of the Shari'a and a collection of the major shar'i rules derived from the Holy Qur'an and Sunna by a reliable jurist, and arranged subject-wise for the convenience of the followers of the Shari'a. So, the one who follows a particular school actually follows the Holy Qur'an and Sunna according to the interpretation of a particular reliable jurist, whom he or she believes to be the most trustworthy and most well-versed in the matters of Sharia.

As for the differences in the schools, they have emerged through the different possible interpretations of the rules mentioned in or derived from the Holy Qur'an and Sunna. In order to understand this point properly, it will be relevant to know that the rules mentioned in the Holy Qur'an and Sunna are of two different types.

The first type of rules are those which are stated in these sacred sources in such clear words that they allow only one interpretation. No other interpretation is possible thereof, such as the obligation of prayer, zakat,



fasting and pilgrimage; and the prohibition of pork and adultery. With regard to this set of rules, no difference of opinion has ever taken place. All the schools of jurists are unanimous in their interpretation; hence there is no room for *ijtihad* or *taqleed* in these matters. Also, since everyone can easily understand them from the Holy Qur'an and Sunna, there is no need for consulting an Imam or jurist.

On the other hand, there are some rules of Shari'a derived from the Holy Qur'an and Sunna where any of the following situations may arise:

(1) The wording used in the sacred sources may allow more than one interpretation. For example, while mentioning the duration of the waiting period [*'idda*] for a divorced woman, the Holy Qur'an has used the following expression: "And divorced women shall wait [as regards their marriage] for three periods of *quru'*" (2 :228).

The word *quru'* used in the above verse has two meanings. It stands both for the "period of menstruation" and the "period of cleanliness" [i.e. *tuhr*]. Both meanings are possible in the verse and each of them has different legal consequences.

The question that requires jurisprudential efforts here is: "Which of the two meanings is intended here?" While answering the question, the juridical opinions may naturally differ, as is the case. Imam Shaf'i interprets the word *quru'* as the "period of cleanliness," while Imam Abu Hanifa interprets it as the "period of menstruation." Both of them have a number of reasons in support of their respective views, and neither can be completely rejected. This example highlights one of the causes for differences of opinion among different schools.

(2) Sometimes disparity appears between two hadiths of Allah's

Messenger (PBUH), and a jurist has to reconcile them or prefer one of them over the other. In this case also, the view points of the jurists may differ from one another. For example, there are two sets of traditions found in the books of hadiths narrating different behaviors of the Messenger (PBUH) while bowing [ruku] in prayer. The first set of hadiths mentions that he used to raise his hands before bowing, while the other hadiths mention that he did not raise his hands except at the beginning of prayer. The jurists, while accepting that both ways are correct, have expressed different views regarding the question: "Which of the two ways is more preferable?" Thus, situations like these also cause differences of opinion between various schools.

(3) There are many issues which are not specifically addressed in the Holy Qur'an and Sunna. The solution to these issues is sought either through analogy or through examples, found in the sacred sources, that have an indirect bearing on the subject. Here again, the jurists may have different approaches to extracting the required solution from the Holy Qur'an and Sunna.

Such are the basic causes of differences of opinion between the schools. These differences are in no way a defect in shari'a, rather they are a source of flexibility composing a vast field of academic research governed by the principles of Shari'a and settled by means of the Holy Qur'an and Sunna for all time to come.

A Muslim jurist who has all the necessary qualifications for ijtihad is supposed to attempt his utmost to extract the actual meaning of the Qur'an and Sunna. If he does this to the best of his ability and with sincerity, he will be rewarded for accomplishing his duty, and nobody can accuse him of disregarding the shari'a, even though his view may seem to be weaker when compared to others. This is a natural and

logical circumstance, certain to be found in every legal system. The established laws in every legal framework do not cover every minute detail and possible situation. Also, these laws are often open to more than one interpretation, and different courts of law, while attempting to understand them, often disagree about their meanings. One court may interpret the law in a particular way while another court may understand it in quite a different sense. Thus, nobody can say that the jurists have disrespected the laws of Islam by arriving at different opinions. And since every court of law intends to apply the established law to the best of its ability, its duty towards the Lawmaker (Allah) will be discharged, and its jurists will be rewarded for it.

For example, if one of the courts mentioned earlier were a high court, all the lower courts and the people living under its authority would be bound to follow judgements made by the high court, even though their personal opinion might not conform to the opinion of the high court. In such a case, if the lower courts follow the decision of the high court, nobody can say that they are not following the law or that they take the high court to be a legislator of the law. This is because, in actual fact, the lower courts are following the decision of the high court as a trustworthy interpreter of the law, and not as a legislator.

In exactly the same way, the school of a Muslim jurist provides nothing more than a reliable interpretation of the Sharia. Another qualified jurist may disagree regarding the interpretation of that jurist, but neither can he be accused of disregarding the laws of Shari'ah nor can anyone accuse the followers of a particular school of following something other than the Shari'ah or of committing shirk. The reason for this is that these Muslims are following the school as a trustworthy interpretation of Sharia.

The next question which may arise here is: "What should a person do with regard to these different schools, and which one of them should he follow?" The answer to this question is very simple. All of these schools have been sincere in their efforts to infer the true meaning of the Shari'a; therefore they are all equally valid. A person should follow the school of any of the recognized Imams whom he believes to be most knowledgeable and most pious.

Although the Muslim jurists who have undertaken the exercise of ijtihad have been many in number, the schools of the four Imams - Imam Abu Hanifa, Imam Malik, Imam Shafi'i and Imam Ahmad - are found to be more comprehensive, well-arranged, and well-preserved up to the present day. The Muslim Umma as a whole has taken these four Imams as having the most reliable interpretations of Shari'a.

The four schools are known as the Hanafi, Shafi'i, Maliki, and Hanbali schools. The rest of the schools [madhhabs] are either not comprehensive enough, in the sense that they do not contain all aspects of Shari'a or have not been preserved in a reliable form. For this reason, the majority of the Muslim Umma belongs to one of these four schools. If a person adopts a school of Islamic law as an interpretation of the Shari'a, his obligation to follow the Sharia stands fulfilled.

This is the true picture of the term taqleed with reference to the jurisprudential schools. I hope this explanation will be sufficient to show that taqlid has nothing to do with shirk or "ascribing partners to Allah," but is in fact a simple and easy way of following the Shari'a.

### **Following One Particular Imam In Every Juristic Issue**

It is generally believed that each one of the four schools (Hanafi, Shafi'i,

Maliki and Hanbali), all being possible interpretations of the Shari'a, are correct and none of them can be held as something in contradiction with the Shari'a. However, a nonprofessional who lacks the ability to compare between the arguments of each school cannot pick and mix between different views to satisfy his personal desires. The reason for this approach is twofold.

Allah has empathically ordered in a number of verses of the Holy Qur'an to follow the guidance of the shari'a, and has made it strictly prohibited for one to follow one's desires via the rules of the Shari'a. The Muslim jurists, when interpreting the sources of the Shari'a, attempt never to satisfy their personal desires. They attempt to make their best effort to discover the spirit of Shari'a, and they base their opinions on the force of evidence and not merely on the search for convenience. They do not choose an interpretation on the basis of its suitability to their personal fancies; they choose it only on the basis of the strength of the evidence before them.

Now, if someone who has not studied Islamic law is allowed to choose any juristic view without consulting the arguments pertaining to those views, he will be at liberty to select only those views which seem to be more fulfilling to his personal requirements. This attitude will lead him to follow his own desires and not the guidance—a practice totally condemned in the Holy Qur'an.

For example, Imam Abu Hanifa is of the opinion that bleeding from any part of the body breaks the wudu', while Imam Shaf'i believes that bleeding does not break the wudu: On the other hand, Imam Shaf'i says that if a man touches a woman, his wudu' stands broken and he is obligated to make fresh wudu' before offering prayer, while Imam Abu Hanifa insists that merely touching a woman does not break the wudu.

How can the practice of "pick-and-mix" be allowed? A layman may well choose the Hanafi opinion in the matter of touching a woman and the Shaf'i view in the matter of bleeding. Consequently, he will deem his wudu' unbroken even when experiencing both situations together (i.e. he has bled and happened to touch a women) even though his wudu' stands broken now according to both Hanafi and Shaf'i opinions.

Similarly, according to the Shaf'i view, a traveller can combine the two prayers of Zuhr and 'Asr. However, at the same time, if a traveller makes up his mind to stay in a town for four days, he is no longer regarded as a traveller in the Shaf'i view. Hence, he cannot avail himself of the concession of shortening the prayers [qasr] nor of combining two prayers. On the other hand, the period of travel, according to the Hanafi view, is fourteen days, and a person can continue to shorten his prayers as long as he does not resolve to stay in a town for more than fourteen days.

A traveler who has entered a city to stay there for five days, cannot combine two prayers, according to both Imam Shaf'i and Imam Abu Hanifa . This is because, by staying for five days, he cannot use the two concessions of qasr and of combining two prayers according to Imam Shaf'i, and because combining two prayers is not allowed according to Imam Abu Hanifa. Nevertheless, the approach of "pick and mix" still leads some people to adopt the Shaf'i view in the matter of combining prayers and the Hanafi view in the matter of the period of journey.

It is evident from these examples that the selection of different views in different cases is not based on the force of arguments leading to them, but on the facility provided by each. Obviously this practice is tantamount to following one's desires, which is totally prohibited by the

Holy Qur'an. If such an attitude is permitted, it will render the Shari'a a plaything in the hands of the ignorant, and no rule of Shari'a will remain immune to distortion. This is why the practice of "pick-and-mix" has been condemned by all the renowned scholars of Sharia. Imam Ibn Taymiya, the famous hadith scholar and jurist, says in his Fatawa:

Some people follow at one time an Imam who holds marriage invalid, and at another time they follow an Imam who holds it valid. They do so only to serve their individual purpose and satisfy their desires. Such a practice is impermissible according to the consensus of all the Imams. (Fatawa Ibn Taymiya 2: 285-286).

This was the basic cause for the policy adopted by the later jurists, who made it necessary for the common people to adopt a particular school in its totality. If one prefers the madhhab of Imam Abu Hanifa then one should adopt it in all matters and with all its details. However, if one prefers another madhhab one should adopt that one in full. One should not pick and mix between the different views of the schools for one's own benefit.

The benefit of the validity of the madhhabs, according to the jurists, is that a person can elect to follow anyone of them. But once a person has adopted a particular madhhab, then he should not follow any other madhhab in any matter, whether it be to seek convenience or to satisfy his personal choices, both of which are based on his desires and not on the force of argument. Thus, the policy of "allegiance to a particular school" was a preventive measure adopted by the jurists to preclude anarchy in the matter of the Shari'a.

However, this policy is meant for those who cannot carry out ijtihaad themselves or cannot evaluate the arguments advanced by all the

madhhabs in support of their views. For such people, the best approach is to follow one particular school as a credible interpretation of the Shari'a.

Nevertheless, those equipped with the necessary qualifications of *ijtihad* need not follow a particular school [madhhab]. They can derive the rules of Shari'a directly from the original sources. Similarly, those who are not fully qualified for the exercise of deriving rulings [*ijtihad*], but are so well-versed in the Islamic disciplines that they can evaluate the different juristic views on purely academic grounds (Le. without being motivated by their personal desires), are not forbidden from preferring one school over the other in a particular matter. There are many Hanafi jurists who, despite their allegiance to Imam Abu Hanifa, have adopted the view of some other jurist in some juristic issues. Nevertheless, they are considered Hanafis.

This partial departure from the view of Imam Abu Hanifa could be based on either of the following grounds: sometimes jurists, after an honest and comprehensive study of the relevant material, come to the conclusion that the view of another Imam is stronger. Jurists may also find that the view of Imam Abu Hanifa, although based on analogy, does not conform to an authentic hadith, which is usually due to its not having been conveyed to the Imam; otherwise he most probably would have adopted a view in conformance with that hadith also.

Another case in which jurists have departed from the view of their Imam is when they have felt it a necessity for the collective good of the Umma. These jurists would follow another Imam not in pursuance of their personal desires, but to meet the collective needs of the Umma and in view of the changed circumstances prevailing in their time. These examples are sufficient to show that the followers of a particular school



do not take their school as a substitute for the Sharia or as its sole version to the exclusion of every other madhhab. Followers of a madhhab do not give any madhhab a higher place than it actually deserves within the framework of Shari'a.

I would like to clarify another point which is extremely important in this context. Some people who have no systematic knowledge of Islamic disciplines often become deluded by their superficial knowledge based on self-study (in many cases, it being only through the translation of the Holy Qur'an and hadiths). Following this kind of cursory study, they assume themselves to be masters of Islamic learning and begin criticizing the former Muslim jurists. This attitude is based on ignorance and has no justification.

The extraction of juridical rules from the Holy Qur'an and Sunna is a very meticulous process that cannot be carried out on the basis of sketchy study. While studying a particular juristic subject, one has to collect all the relevant material from the Qur'an and hadiths found in the various chapters and books and undertake a combined study of the scattered material. One must examine the veracity of the relevant hadiths in light of the well-established principles of the science of hadith [usul al-hadith]. One must study the historical background of the relevant verses and traditions. In short, one has to first resolve a number of complicated issues involved. This whole exercise requires very intensive and extensive knowledge which is seldom found in the contemporary scholars who have specialized themselves in the subject, let alone the common people who have no direct access to the original sources. The conclusion of the above discussion is that since all the four schools are based on solid grounds, it is permissible for a competent scholar to adopt another school's juristic view, if he has the required knowledge and ability to understand the merits of each madhhab on the basis of

adequate academic research, without being indulged in pursuing his personal desires. The people who do not fulfil these conditions should not dare to do so, because it could lead to anarchy in the matter of Shari'a.

The method in which this divine knowledge was passed down to us by our predecessors was from heart to heart which required one to be under the direct tutorship and supervision of 'Ulama. The first teacher of this ummah was our beloved Rasulullah (sallallahu 'alayhi wa sallam) who taught the Sahaba (radhiyallahu 'anhum), they then taught the Tabi'een (rahimahumullah), who in turn taught the Tab'e Tabi'een (rahimahullah) and who in turn taught our predecessors. As such, the knowledge of Shari'ah was transferred from generation to generation in this manner. Regarding the importance on learning deen from the traditional methods, Shiekh 'Abdul Fattah Guddah (rahimahullah) mentions: "....Reading books or listening to tape recordings today without a teacher or an instructor does not give sound and complete understanding, and does not instil pure, accurate and authentic knowledge because they are an aide and not a teacher, a tool for remembering and not a means of making one's (knowledge) sound. This is why they said 'the one whose sheikh is a book, his mistakes will be more frequent than his accuracy,' because imitation dominates in taking (knowledge) from books.

It is mentioned in Sheikh Muhammad 'Awwamah's (damat barakaatuhu) Ma'alim Irshadiyyah that it was commonly said amongst the Salaf (pious predecessors):

"To seek refuge in Allah from having paper as their shaykh"

It is also mentioned in Ma'alim Irshadiyyah that "in the earlier times knowledge was found in the chests of men. Then it was transferred to books, but the keys still remain in the hands of men. This statement

determines that men are still necessary in the acquisition of it (ilm), as there is no target beyond these two ranks (books and men). The basis for this is in the Sahih (of al-Bukhari): "Indeed Allah will not take away knowledge (from this world) by snatching it away from the people, rather He will do so by taking away the 'Ulama". He writes further: "Since it is so, there is no doubt that the keys to knowledge are its bearers ('Ulama)".

Once when Imam Abu Hanifah (rahimahullah) was informed of a group of people that sit in a "halaqah" (circle) discussing matters fiqh (jurisprudence) in the Masjid, he enquired: "Do they have a leader (Teacher)?" They replied: "No". Imam Saheb (rahimahullah) responded: "These people will never acquire (true) fiqh".[

2. As Muslims, we are commanded to follow the Qur'an and Hadith of Rasulullah (sallallahu 'alayhi wa sallam). However, it is impossible to abide by such a command without the guidelines and instructions of our predecessors. As such, in order for one to follow the Qur'an and Hadith, one cannot do so without adhering to the madhaahib of our illustrious Fuqaha, i.e. the madhab of Imam Abu Hanifah, Imam Malik, Imam al-Shafi'i and Imam Ahmad ibn Hanbal (rahimahumullah). Each imam had their own opinion and interpretation. In order for us to make a judgement on a hadith without any knowledge would be abysmal.

Following a madhab is in essence following the Qura'n and Hadith, one cannot practice upon the Qur'an and Hadith without adhering to a madhab.

However, the root of the matter is, that the interpretation of the holy quran and the sunnah is not a simple one. It requires an intensive and extensive study of the sacred sources of Shariah, which cannot be undertaken by a person unqualified in the field. If every Muslim was obliged to directly resort to the Holy Quran and Sunnah on each and every problem arising before him, it would burden him with a responsibility that would be almost impossible to fulfil. This is because the derivation of the rules of the Shariah from the Holy Quran and

Sunnah, requires a thorough knowledge of the Arabic language and all the relevant sciences – a combination which every person is not known to have. The only solution to this problem is that a few individuals from each locality should undertake the responsibility of acquiring an in-depth knowledge of the Islamic law, so that other members in that locality could enquire from them, the ruling of an issue occurring in their day-to-day affairs. This is what Allah has ordained for the Muslims in the following words:

“And it is not for the believers to go forth [to battle] all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious”

This verse in the Quraan indicates in clear terms, that a group of Muslims should devote themselves to acquiring the knowledge of Shariah and all others should consult them for their rulings. Now, if a person asks a reliable scholar about the juridical rulings regarding a specific matter and acts upon his advice, can any reasonable person accusing him of committing Shirk on the ground that he has followed the advice of a human being, provided by the Quran and Sunnah? Certainly not.

The reason is obvious, because he has not abandoned obedience to Allah and his Messenger. Rather, he is in search of a way to obey them. Being unaware of the Shariah commands, he has consulted a scholar, in order to know what he is required to do by Allah. He has not taken that scholar as the subject of his obedience, but rather, as an interpreter of the divine commands. Nobody can accuse him of committing Shirk.

The concept of authority is not a difficult one to understand. No society would allow someone to perform a surgical operation without first attending medical school; nor would it permit anyone to build a bridge without first graduating from a civil engineering program. Does it not make sense to define criteria for mujtahids to prevent ignoramuses from ruining the Muslims' afterlife?

It is **Haram** for a muqallid to attempt ijihad and he is sinful for doing so even if he ends up coming to the right conclusion. Allah's laws are not something to be played with and only those qualified to perform ijihad have permission to delve into the primary evidences and deduce that something is halal or haram. The unqualified must ask the qualified. A mujtahid is to a muqallid what the Qur'an and Sunna are to a mujtahid. To find out the ruling of Allah on a particular issue, we resort to the fiqh books of the four schools; not to Sahih al-Bukhari or Sahih Muslim (let alone the would-be mujtahids of our age). This is not because we don't want to follow the Qur'an and Sunna; rather, it's because the only way we can truly follow the Qur'an and Sunna is by going through someone who understands what they are saying.

This is where talfiq comes into the picture. Talfiq is to join between the positions of more than one school so that the resulting amalgam would be unacceptable according to all mujtahids. For example, someone who bleeds and decides to follow the Shafi'i school on wudu cannot follow the Hanafi school in prayer by not reciting the fatiha behind the imam, since both schools would say that his prayer was invalid. A muqallid who does talfiq in this manner has not absolved himself of his responsibility before Allah because there is no mujtahid who would look at his action and say that he had done what Allah asked of him.

With this in mind, Imam Ibn Hajar al-Haytami's (whose word, along with Imam Muhammad al-Ramli's, constitutes the final word in terms of fatwa in the Shafi'i school) definition of talfiq makes perfect sense. He said: "Whoever makes taqleed of an Imam in an issue must follow the requirements of his madhab on that issue and everything else that is related to it." (I'atu'l-talibin, 4.219). Since wudu and salat are related (wudu is a condition for the prayer), one must follow the same school on both. Since zakat, fasting, pilgrimage and prayer are not related to each other, one can validly follow a different school in each one.

### **Mixing between Schools without Talfiq**

Since a muqallid's responsibility is only to fulfill the requirements set out by any of the madhabs, one could conceivably follow the positions of multiple schools in a manner that avoids talfiq, praying fajr as a Hanafi, zuhr as a Shafi'i, asr as a Hanbali, and maghrib as a Maliki, and one would have absolved oneself of one's responsibility to perform these four prayers. The option to follow an opinion from another school can be useful when following the position of one's own madhab would lead to undue hardship, which is why the scholars mention that differences of opinion are a mercy.

The 'ulama also mention, however, (among them Ibn Hajar in the same reference given above), that someone who follows positions in a different school without need and only to seek the easy way out is sinful and thereby becomes a fasiq (corrupt). This is not something to be taken lightly, and is particularly relevant these days because of the ease with which one can find out the opinion of another madhab on a certain issue. Many of us might be subscribed to the Hanafi list, the Shafi'i list and the Hanbali list and seeing easy rulings in another madhab might seem tempting at times. To seek out easy rulings from a madhab other than the one one usually follows without any pressing need would be sinful.

In order for a person to understand a hadith they may need to look at the madhabs' perspective on that issue. For example: The prophet (PBUH) told a person that kissing is haram. In another instance, he told another sahabi that kissing your wife whilst fasting without exchanging saliva is fine. The reason the prophet had told that sahabi that kissing was prohibited is because he was young and he was conscious of the fact that the kissing may get intimate. In the other instance, the sahabi was much older so it was permitted. Without the 4 imams, we wouldn't be able to understand hadith to this extent.

At the time of Imam Abu Hanifa, there were many scholars that lived within Kufa, Medina, Makkah etc. However very naturally he stood out from the rest for his knowledge and intellectual ability within theological rhetoric. It was the same case for Imam Malik, Imam Shafi and Imam Ahmad Bin Hanbal. It was not a mere coincidence rather they were chosen by Allah.

Abdullah bin Umar understood that the prophet (PBUH) said a deceased person would be punished because the household are crying. On the other hand, Hadhrat Aisha understood that her household are crying because the deceased person is being punished. As we can see, there are many different perspectives on hadith and if we were to interpret them ourselves we would possibly committing sin.

Majority of the muslim ummah read the quran in the hafs canonical mode. There are in reality 7 different ways of reading the quran. So by containing yourself to one madhab it is the same way of containing yourself to one mode of reading the quran. It is the most efficient, intellectual and proper methodology of undertaking.

Imam Dhahabi says *Ignorance will be one of the biggest fitnas to hit the ummah*. Many Salafis are ignorant towards accepting some views given by the imams. Many salafis say why can't we just follow Quran and Sunnah. The four imams ensured the Quran and Sunnah were extrapolated, interpreted processed and inferred correctly.

The prophet said that when a judge is faced with an issue he should try his best to use the Quran and Sunnah to infer and extrapolate a ruling using his own intellect and qualification to make a judgement. When this happens and he is right, he gains two rewards for it and when he is wrong he gains one reward for it. This shows that ijtihaad for the Imams

were mandatory so that we can understand and reflect upon the Quran and sunnah.

Imam Shaybani (imam abu hanifa's student) disagreed with about 15 percent of his maslahs but still propagated and proliferated the Hanafi school of thought.

Some people may argue that some scholars such as Ibn taymiyyah, Ibn hajar, Imam Ghazzali disputed against some minor issues within their preferred madhab. For example, imam ghazzali was a Shafi but preferred to lift his hands up to his ears in Salah. The reason they were permitted to do so was because they were great mujtahideen. For a layperson to do the same thing is not permitted as they have not reached that level of ijtihad. Ijtihad will be discussed later in this book. Salafis have dismantled this traditional system. They deploy this method of telling people to not follow madhabs and to follow quran and sunnah. A typical being would have no knowledge regarding this issue and would fall into this evil trap. Salafis claim that following a madhab is unnecessary but to become a salafi you have to follow the rulings given by their scholars – bin Baaz, Uthaymeen and Albani. The very same thing that they are warning you to stay away from; they are deploying this tactic to maintain their own agenda. It seems as if Salafism is a madhab in itself. In order to develop another madhab nowadays would be almost impossible. Imam Abu hanifa saw Anas ibn Malik (a Sahabi).- this makes him a Tab'ii. He also had hadith manifested and finalised within his time. Imam Malik was in the centre of Medina at the prime of Islam. They had the ability to see people practise hadith almost at the same time of the sahaba. Yet the salafis think it is more logical to follow a mujtahid from the 20<sup>th</sup> /21<sup>st</sup> century.

Moreover, Salafis use the hadith regarding 72 sects against following a madhab. That hadith was regarding Aqeedah and not Fiqh. The



Hanafis, Shafis, Malikis and Hanbalis all respect each other despite their difference in views. They only dispute over vague issues and not obvious rulings. Every single imam was connected and had some connotations towards one another – this will be discussed in the 4 imams section of this book.

Throughout history, Makkah and Medina have always had 4 musalabs for the 4 different imams. Due to the Saudi government supporting the views of Wahabism/Salafism many Islamic traditional customs changed. The Saudi government spent millions of pounds to financially support publications to convert conventional Muslims towards an extremist viewpoint of Islam. ISIS is one of the results of Salafi-Jihadism and the claims given by them will also be refuted within this treatise.

Many salafis try and use hadith to be in their favour and to help sustain their claims – however the fault lies in referring to the English or Urdu translation of the hadiths, because in order to get a clear picture of the meaning, one has to possess the intellectual capacity to comprehend the hadiths together with a proper understanding of the background and the prelude of the hadiths. In the absence of the prerequisites, the mere translation is bound to lead to objections and misgivings. There are unlearned salafis like Dr Akram Nadwi who claim that due to madhabs not being stated in the quran there is no need to follow one. This is a very ignorant view and I hope this treatise has rebuked those claims comprehensively. These are the main points as to why following a madhab is **wajib** upon a muslim.

*“And do not follow your personal desires, for they will lead you astray from the path of Allah” (38:26) Quraan*

Allah says: “And We have revealed to you the Reminder (Quran) so you may explain to mankind of what has been revealed so that they may contemplate (16:44)

Allah says in the Quraan: “Do not pursue what you have no knowledge about”. (17:36)

For a layperson to pursue hadith into conventional matters would be absurd.

Shaykh Muhammad Hussain Sahib has written in his compilation Ishaatus-Sunnah, after opposing madhabs for a very long time he become affected with the bitter experience of not following a madhab. “We discovered after 25 years of experience that those people who abstained from doing taqlid eventually bid Islam farewell. Some leave Islam whereas others end up without a madhab. Rebellion and disobedience of the Shariah is a grave result of this freedom.

Even though all 4 madhabs are principally correct, in extracting their verdicts from the Holy Quran and Sunnah, the juristic scholars have declared it impermissible for a layman to follow all the 4 madhabs at once. Shaykh Yusuf Ludhyanwi explains this point in detail in his book “Differences in the Ummah and the Straight Path”. In summary, it is necessary for a layman who does not possess the qualifications of a mujtahid to restrict himself from one Madhab only. If a person switches from one madhab to another by claiming he is following all of them at once whilst following the quran and sunnah then he will be following his own understanding and desires.

A layman is in no position to jump to conclusions and to claim what is correct and what is not, if he does not possess the basic qualifications of ijtihaad. If in the worldly affairs, no layman can draw any conclusions on a

particular subject without any qualifications then how can such a person be able to do so in a religious matter?

Self conceit and following ones desires are destructive of one's Imaan.

Shaykh Ashraf Ali Thanwi states that a person who follows one Madhab, will have a deen that is systematic and all his religious obligations will be easier to discharge; whereas a person picking and choosing from one Madhab to another, will have a deen that is not systematic. If a person was to select all of the strictest rules from all of the Madhahib, then he will be putting himself into unnecessary difficulty which is wrong. On the other hand, if someone selects all of the easy rulings from the Madhahib, then this becomes personal interest which is also destructive. Hence, to adhere to one imam will be systematic and free from all self-interest. All of the Madhabs in their juristic verdicts and opinions are neither too strict, nor too lenient, but very moderate.

(Ashraful Jaawab pg 161)

Shah Waliulallah Dehlawi states: "If there was no system of restriction to one school of thought, then every person would pick and choose religious rulings that conformed to their own whims and desires and the Deen would be a toy (in the hands of the masses). Thus the only solution to suppress self-interest is to adhere to one Madhab. (Ashraful Jawab pg 69)

A madhab is, after all, nothing more than a piece of precision equipment enabling us to see Islam with the maximum clarity possible. If we use our own devices, our amateurish efforts will inevitably distort our vision.

In summary, there are many reasons as to why following a madhab is necessary and this topic will be elaborated upon further during this

refutation of the Salafis and those who oppose following a school of thought.

### **Taqlid**

Taqlid basically means to practise upon Deen in accordance with the teachings of one of the four illustrious imams. The scholars are the inheritors of the prophet. Guiding people was the main objective of our beloved prophet and it is the Quran which is the preservation of his guidance. In Surah Fatiha Allah talks about the straight path. "The path of those upon whom you have showered your favour". The word whom is relating to those people whom Allah has guided. The Quran is a means of guidance however the Sunnah needs to compliment it in order for the Quran to benefit us. It is a famous saying of the scholars that the Quran needs the Sunnah but the Sunnah does not need the Quran.

When the prophet (PBUH) informed the Sahaba regarding that his Ummah will be divided into seventy three groups amongst whom only one will be on truth, and the sahabah inquired as to who that group would be, he replied: (Those who follow my path and the path of my companions).

The 4 imams are the baseline for fiqh (jurisprudence). Our illustrious predecessors have stated that the true knowledge of the Deen would only pass from chest to chest and not by book to chest. Thus, only the knowledge has worth in the sight of Allah which was conveyed and transmitted by the companions and so on and so forth. Since the concept of transmitting knowledge was flawed for previous nations due to there not being any credible authorities, their creed and beliefs were eventually effaced from the very core, to the extent that there exists almost no trace of the original. The only reason our knowledge is present is due to the pious predecessors- this includes the 4 imams. The very people claiming to follow the Salaf are in reality opposing them.

Abdullah Ibnul Mubarak stated: "Acquiring qualification from a credible authority (of Quran, Hadith and Fiqh) is an integral part of the Deen. Had this not been so, anyone would have been able to make claims (in religious matters) according to their own whims and fancies."

One such proof is a hadith narrated by Imam Bukhari and Imam Muslim from Muawiyah that Rasullallah said: "There will always be from my ummah a group that will adhere to the truth. Neither will those who abandon them be able to harm them and nor those who oppose them, until the command of Allah arrives. I.e. The consensus of scholars (Ijmaa). Since the time of the sahabas, to this present day, no credible scholar has disputed that ijma is an indisputable proof of shariah.

For many centuries, the scholars of Islam were unanimous about the legitimacy of the four Madhahib, and about making taqlid thereof. The rulings that were concurred upon by the four madhahib were practised by the entire ummah without exception. In other words, for many centuries, there were ijma regarding the 4 madhahib and their rulings.

During the last century, a group emerged that began diverting people away from the four madhahib and their taqlid. The custodians of the sedition, through devious and alluring arguments, began encouraging people to refer directly to the Quran and books of hadith, without the need for the authorities and prior scholars. They even went to the extent of regarding those who refer to the deductions of the scholars and authorities, as abandoning the Quran and the Sunnah of Rasullallah. In a subtle way, they create an impression that the teaching of the illustrious Imams was different to the teachings of the Quran and the Blessed Sunnah of our prophet.

In recent times, this heresy has taken the form of an epidemic. These deviant people ensnare ignorant youth, who are turning towards Deen, and desire to become closer to the blessed sunnah. Their slogans are appealing, explanations appeasing, and sometimes, the first impression unfortunately turns out to be the last one.

The only solution for ignorance is its converse. By educating the masses, it is hoped that people will be able to recognise the truth from falsehood.

Taqlid technically means accepting the views of a Mujtahid in issues of Islamic Law, without seeking to know the proof thereof, on the belief that his views are backed by legitimate Sharia evidence. A muqallid is one who ascribes to the Taqlid of a Mujtahid because he lacks the qualifications to perform Ijtihad.

Ijtihad is the process of extracting laws from the four basic sources of Sharia via the Quran, Sunnah, Ijma (consensus of opinion) and Qiyas (analogy based on explicit rulings of the Quran and Sunnah). A mujtahid or faqih is a scholar who qualifies to employ the tool of ijtihad and is able to reach verdicts.

The fundamentals and technical terminology of every branch of knowledge are acquired on the basis of Taqlid, i.e. without questioning the authority of the masters. For example, a person who studies medicine accepts everything that he is taught until he reaches a stage where he is qualified to voice his opinion, or to agree or disagree with those who were more qualified than him. The layman, or the one who does not achieve this degree of proficiency has no right whatsoever to make a statement in the field of medicine, even though he may possess a doctorate in the field of law. Thus, even experts in the field of law, or engineering, etc are mere Muqallids (followers) in the field of medicine.

Imam Shafi has stated: "It is not permissible for anyone to pass a ruling (by means of his own reasoning) in Allah's Deen, except a person who is well versed in the book of Allah. This entails being aware of its Nasikh (abrogating) and Mansukh (abrogated) verses, its Mukham (clear/strengthened) and Mutashabihah (obscure) verses, its Tawil (figurative verses) and Tanzil (the condition or time of revelation, or the order of revelation of various verses) Makki and Madani verses, the detailed purpose of the verses, and the background circumstances regarding their revelation. Similarly, he should be well versed in the Hadith of Rasulullah, its Nasikh and Mansukh; and he should be equally knowledgeable about the hadith of Rasulullah as he is with the Quran. Thereafter he should be well versed in the various sciences of the Arabic language, Arabic poetry and all the various sciences that are required for the study of Islamic Knowledge and the Quran. At the same time he should be equipped with impartiality and justice coupled with constrained speech. He should be acquainted with the differences of the Fuqaha. Last but not least, he should be talented in the art of extracting rules from the sources of the Shariah".

It is clear from this quote that Ijtihad is not permissible for an ordinary person rather specifically for the selected individuals who are able to reach that level of understanding. After having fulfilled the above

requirements, then only may he voice his opinions and pass rulings in matters of permissibility or prohibition. If not, then he has no right to voice his opinions in religious knowledge, and he is not permitted to pass any ruling.

Hafiz ibn Abdil Bar recorded this quote of Imam Shafi and after substantiating it with the attestations of other illustrious scholars, added the following conditions:

1. The seerah of the prophet (PBUH).
2. Lives of the companions of the prophet.

Note: The reason these two points are also crucial are due to the impact the sahaba's lives had on the Shariah. It is said that Imam Malik was an expert on the lives of the companions.

1. Arabic Grammar (Nahw and Sarf) Syntax, Etymology, Derivatives and Morphology.
2. The science of Arabic Rhetoric ('Ilm a-balagha)
3. The sciences of Exegesis (Tafsir)
4. The science of Ḥadīth ('Uloom al-Ḥadīth) #
5. The knowledge of jurisprudential principles (Usul al-Fiqh)
6. The science of Qiraah.
7. Usool-u-deen
8. Abrogating and abrogated verses
9. Fiqh
10. Language
11. The incidence and occurrences in the background of the revelation of various verses.
12. Those ahadith that explain brief and unclear verse
- 13) Gift of knowledge –
- 14) Taqwa

- 15) Ibadah
- 16) Zuhd (abstention from indulgence in luxuries)
- 17) Purity of the soul
- 18) Wara (abstention from all futilities)

Only after having studied these basic subjects, nurturing and developing them to the advanced degree of a specialist, could and would one immerse oneself in the massive corpus of Qur'anic and Hadithic texts. This obvious fact should suffice in making a person realise any movement that calls its unlearned followers to go directly to the Holy Qur'an and Hadith, has nothing to do with Islam and is in fact a means of misguidance. Ninety-five percent of those who fervently hold to the idea of going directly to the Qur'an and Sunna, do not even know, let alone have mastered, the Arabic language. It would be rash and dangerous for such a person to assume that he could decide on a practical issue of the Din by using translations of Sahih al-Bukhari and the Holy Qur'an, even if he may be genuinely intelligent otherwise. The most obvious reason for this is that more than a dozen major ḥadīth collections have not been translated into English.<sup>1</sup> How can a person come anywhere close to a reasonable judgement on a ruling of the Dīn, when he does not have the whole picture in front of him? Add to this, translations, of whatever little does exist- can never reveal the sheer complexity of meaning and linguistic dimensions contained in the Arabic words. Without an appreciation of the depth of each and every word, syntactical implications etc., a person will easily miss a ruling latent therein, hence giving a skewed interpretation. Take the example of the following verse: "O believers, when you stand up to pray wash your faces, and your hands up to the elbows, and wipe your heads, and your feet up to the ankles..." (Sura 5:6)

This verse contains many legal implications and rulings. Just one of them is as a consequence of the Arabic conjunction wāw (and). To the unsuspecting non-Arab, this is just to be translated as "and." However, this wāw is much deeper than the "and" in English. Expert jurists like Imām Shāfi'ī and Imām Abū Ḥanīfah differed on its function in a



sentence. Imām Abū Ḥanīfah, supporting his view with many evidences, holds that it has the function of unrestricted joining (Muṭlaq al-Jam'). Thus if a person said: "Zayd and (wāw) Bakr came to me" the meaning could be: 1. Zayd came first then Bakr, 2. Bakr came first then Zayd, 3. or both came together simultaneously. This is the implication of wāw according to Imām Abū Ḥanīfah. Other jurists, however, held that the function of wāw is to give sequence or order (tartīb). In other words, that which precedes the wāw is sequentially first, in the order. Thus, in the abovementioned example it can only be said that Zayd came first. This subtle difference in relation to a mere letter meant that according to Imām Abū Ḥanīfah, if a person washed the limbs of wuḍū in other than the order mentioned in the verse, his wuḍū is valid and there is no sin upon him. Imam Shāfi'ī however, based on his understanding of this conjunction, declares it obligatory to adhere to the sequence mentioned in the verse: the face must be washed first, followed by the arms, then the head will be wiped and finally the feet will be washed. If this order is broken, the wuḍū is invalid and must be repeated. This is just one example among thousands which illustrate that interpreting the sacred sources is not for the layman.

Another point we would question those who believe themselves worthy of discussing such intricate issues is why should this verse according to them establish an obligation (Fard)? Why not take the washing of limbs and the sequence mentioned therein for as a Sunnah (based on the practice of the Prophet) or Wajib (a lesser kind of obligation) or Mustahab (Praiseworthy)? These and other similar questions cannot be answered without appreciation of the Arabic language. This also reveals the folly of those who counter by saying that we agree that the issues of the Dīn are as complex as you mention, but nevertheless, the layman will ask a scholar to merely present the various different meanings and arguments to the layman and then he will use his ability to choose the stronger position. In reply, is it realistic to expect a layman in the Islamic sciences, who is busy bringing up his family, spending most of his waking hours earning a living for them and fulfilling his own and their religious and worldly needs, to be able grasp the subtleties and linguistic complexities of these issues; and then in relation to every issue of the hundreds he needs to act upon? In other words, for example, before he marries, rather than restricting his questioning of a scholar to what are

the conditions needed to effect a valid Nikah and what are the rights of the wife, he must be able to not only fathom the validity of the detailed evidences for the opinion presented by the scholar, but also compare his evidences with the evidences of opposing views. After this, finally, he will make his judgement of which of the two (or more) is the valid or soundest opinion and why. If he were to do this, in even half of the issues of the Din, he would be taking on, without exaggeration, a mammoth task. Assuming he had all the Arabic sources in front of him and was a genius of the Arabic language, he would still have a formidable list of undertakings in front of him. He would have to seek out every text, verse and ḥadīth, to locate all the relevant evidences for every single aspect or ruling. Once he has gathered all the texts, he would need to sift out the weak or inadmissible evidences among them, based upon solid criteria. Of course it would not be allowed for him to just say I follow this ḥadīth because such and such scholar has declared it sound and said it can be acted upon, because, as all fair readers will admit, this in itself is the taqlīd these people are so against.

As for the role of interpreting the Sacred Texts (nuṣūṣ), that is the sole preserve of the scholars, as Allah has indicated when he instructed the believers to share out their work: “With all this, it is not desirable that all of the believers take the field [in time of war]. From within every group in their midst, some shall refrain from going forth to war, and shall devote themselves [instead] to acquiring a deeper knowledge of the Faith, and [thus be able to] teach their homecoming brethren, so that these [too] might guard themselves against evil.” (Sura Al-Tawbah:122).

Furthermore, it is impractical for a layperson to go to a scholar and expect him to laboriously and patiently elaborate to him on every issue where scholars have differed, and then, having spent perhaps over an hour explaining the primal evidences alongside the often complicated supportive evidences of the main differing scholars, announce to the layman,

“Now you choose whichever you feel is the strongest opinion!”

Those who live in the Muslim community know very well that in the vast majority of cases when the layman asks a question to a scholar, the scholar will not even present the detailed evidence for his own opinion that he tells the questioner, let alone delve into the evidences of others.

This is because he is fully aware that the layman is neither capable of weighing up between legal opinions nor is he obliged to do this.

Once it is acknowledged that the layman must follow scholars why is it that the four Imāms and their schools alone are given preference over all other scholars? Firstly, all four Imāms: Imāms Abū Hanīfah, Shafi, Mālik, Aḥmad, belong to that age and generation, or very close to it in the case of Imam Ahmad, about which the Messenger of Allāh testified as its being the best of this Ummah. He said, "The best of my ummah is my generation, then the generation after them, then the generation after them." Furthermore, the testimonies of the most erudite Sunnī scholars for over a thousand years leave no doubt that these four men and their schools represent the most authentic, penetrating and faithful understanding of the Holy Qur'an and Sunna. No scholar of the later centuries has received the kind of unequivocal acclaim they did from the high calibre of scholars that they did.

A man asked Imam Ahmad: "If a person memorises 100,000 hadith, can he qualify as a Faqih (jurist)." He replied. "No." The person asked "What about 200,000 hadith?" Imam Ahmad once again replied "No." The person asked "What about 300,000 hadith?" Imam Ahmad once again replied "No." The man said: "And 400,000?" This time he shook his palm, indicating that: "probably now he may be a Faqih, fit enough to pass a fatwa on his record on his own accord"

Ibn taymiyyah comments by saying that "When a mufti passes a ruling in accordance to the opinion of his Imam, then indeed he has based it on (sound) knowledge. In reality, he is only conveying the ruling passed by his Imam, therefore he has not digressed from knowledge."

Ibrahim Nakhai, Sufyan Thowri, Al owzai, Abu Thowr, Ishaq bin Rahawaih, Waki ibn Jarrah, Laith ibn Saad etc. Were amongst the many famous mujtahidoon of the past. They had their own madhabs but due to the dominance of the 4 main madhabs they had faded into oblivion and have been rendered obsolete.

As for the rest of the Mujtahideen apart from the 4 imams, their madhahib were not codified, researched and recorded to the extent that these aforementioned madhahib were.

I would like to pose a question. We believe and accept the fact that the quran and sunnah are revelation and inspiration from the almighty allah. Therefore, why did Allh, who is All-Knowledgeable and All-aware, not reveal/inspire His Rasul to express the ahadith using phrases that leave no ambiguity or scope for people to differ? For example, Allah says thalathata quru. Why is it not specified as to what the clear-cut meaning is? This is the beauty of the religion.

In fact, why did he not inspire Rasulullah to clearly state to the Sahaba the day he instructed them to hurry to Banu Quraizah that they should not perform asr on the way? Instead he said: "Every one of you should perform Asr at Banu Quraizah only. Consequently, there were some of the sahaba who adhere to the literal meaning and others who referred to the purport. The sahabas differed in the time of praying yet the prophet never reprimanded them.

The most astonishing fact i have come across is that Imam Malik was given the opportunity to unite the ummah upon his madhab by placing his muwatta on the kaaba, but he refused. He himself relates that "The Caliph – Abu Jafar Al Mansur said to me: I intend to create uniformity in this knowledge. I thus desire to write to the various commanders of the armies, and to the judges to practise upon it only. Whoever opposes it will be beheaded."

I said to him: O leader of the believers! Verily Rasulullah used to be amongst his followers, when he would dispatch detachments, and at the times he would go out himself as well. During his era, not many lands were conquered. Then Abu Bakr succeeded him, and the condition was very similar during his period. Thereafter Umar took his reigns and Allah subjugated many lands on his hands. He found no alternative but to delegate the companions of the prophet as teachers (to various lands). People continued to learn from them, and pass their knowledge over to their descendants up to this day. If you attempt to shift them from this knowledge that they may possess to what they don't know, they will consider it as kufr. Rather, re-inforce every region with its own knowledge, and take this knowledge for yourself". Mansur remarked: "That's improvable! Record it for Muhammad (my son)"

Some salafis claim that we must take the strongest view (Tarjih). Then a) whose task is it to determine the strongest view? b) how do we go about determining the strongest view? c) will the person entrusted with the task be qualified and capable for determining that? D) if it is entrusted upon one or more persons, and people are expected to follow them, then is this not taqleed? E) if it is left to every individual, then wouldn't that result in more conflict and hundreds of schools, instead of 4. F) What criteria do we follow in establishing whether a hadith is acceptable or not? g) Whose interpretation of the hadith do we follow? F) What criteria do we follow in establishing whether a hadith is acceptable or not? g) whose interpretation of the hadith do we follow? We thus conclude that we are content with following any of the four, particularly after the ummah at large has borne testimony to their knowledge and taqwa.

All four madhabs are simultaneously acceptable as far as the Shariah is concerned. To illustrate this, an example is given of 5 people who are travelling on a cloudy day. One of the companions happens to be blind. At the approach of the time of a certain salah, they find themselves in a jungle. Four of them begin to discuss the direction of the qiblah, and each one arrives at a totally different conclusion and performs his salah accordingly. The blind man however, is unable to take part in this discussion, but since he considers one of the four more knowledgeable and experienced in this regard, he follows him. Whilst only one is right, the Salah of each of the five is in perfect order. It will not be necessary for the rest of them to repeat it later when the clouds have cleared and they were able to distinguish whose direction was the correct one. The example of the four people is like that of the 4 imams. The 5<sup>th</sup> person who is blind is like the follower (Muqallid) who does not possess the qualifications to perform ijtiḥad, and therefore follows one of the four imams.

This explanation is deduced from the following Ahadith:

Hadith no 1.

“When a judge passes a judgement on the basis of Ijtiḥad and he arrives at the correct answer, he receives a double rewards, (one for performing ijtiḥad and the other for extracting a correct ruling

of Shariah). If on the other hand he erred, then he receives one reward only (for his *ijtihad*, and he will be excused for his error.)

Hadith no 2.

“Any person who forms an opinion regarding any verse of the Quran, of his own accord (i.e. without being qualified to do so) has indeed erred even though his opinion may actually conform to the truth.”

Imam Ghazali remarks that: “The ‘Ulama’ of Fiqh possessed 5 qualities: Ibadah, Taqwa, Knowledge of the Akhirah, Understanding of the welfare of the creation and striving to seek the pleasure of Allah through fiqh.

Taqlid was also practised within the time of the Sahaba. As an Arabic word, *taqlid* stems from *qallada*, which means: ‘To put a collar (*qiladah*) around the neck.’ It is called this because the one who does *taqlid* – the *muqallid* – entrusts his affair to the one he is performing *taqlid* of. He is like someone being led by the collar, so to speak.

- 1) Ikrimah narrates that the people of Madinah, during Hajj once asked Ibn Abbas about the ruling of a particular *masalah*. After receiving an answer from him, they said: “We will not practise upon your ruling and leave the ruling given by Zaid (Ibn Thabit)
- 2) Once Umar saw Talhah adorned in a coloured *ihram* and said: “You- O group – are the imams, whom people follow. If some ignorant person sees you wearing this, he will say that he wore a coloured cloth in *Ihram*.”
- 3) It is reported that certain very learned Sahabah would abandon their own views for the views of those whom they considered more able and worthy. Consequently, Ibn Masud would leave his view for that of Umar. Abu Musa would leave his view for that of Ali; and Zaid Ibn Thabit would leave his view for that of Ubayy Ibn Kaab – despite the fact that each of these Sahabah possessed vast knowledge.

- 4) Imam Tawus says: "I met seventy from amongst the companions of rasulullah who would resort to opinion of Ibn Abbas whenever they differed on a matter."

Ibnul Qayyim states: "As far as my knowledge goes, the number of those who issues Fatwa from amongst the companions of Rasulullah was over one hundred and thirty. This total comprises of both men and women."

Hadhrat ibn Abbas states that Hadhrat Umar delivered a sermon at a place called Jabia and said: O people! If you wish to know more about the Quran you should ask Ubayy ibn Kab, those who wish to ask about inheritance should go to Zaid ibn thabit, those who wish to ask about fiqh should go to Muadh ibn Jabal and those of you who wish to ask about property of goods should come to me for allah has made me a custodian and distributor.

Nowadays, the doors of Ijtihad have been rendered closed as it was feared that Ijtihad would be attributed to someone non worthy of it or someone whose opinion and deen was unreliable, then the people (among the scholars) closed the doors to further differences. The Ulama therefore clearly stated that the ability to reach the rank of a Mujtahid has become virtually impossible. They thereby directed the people to making Taqlid of one of these four imams and also warned people against switching taqlid (between different madhahib). Anyone who thus claims Ijtihad in this age will be rejected and will not be followed. The entire Muslim world now have consensus about the taqlid of the 4 Imams.

Allamah Shihab ar-Ramli (d. 957 AH) states: "The person who has a picture of the degree of the unrestricted Ijtihad would feel ashamed before Allah from attributing it to anyone of this day and age. In fact, Ibnus-Salah (d. 643 AH) and his followers stated that it had become extinct three hundred years ago, hence, it had become extinct about six hundred years ago."

Allamah Munawi (d. 1031 AH) says: "The Alim of the Syrian region, (Imam) Ibn Abid- Dam (d.642 A.H) writes, after mentioning all the conditions of Ijtihad: "It is hardly possible to find these conditions in any

scholar today of our age. Instead, there is no Mujtahid mutlaq on the surface of the earth today.”

Moulana Ashraf Ali Thanwi writes in this regard: “The rejecters of Taqlid object by saying: “Did the Hanafis (or Muqallids) receive Wahy (revelation) that Ijtihad has come to an end? However, (they do not understand that) it is a divine principle that the existence of every necessity occurs at times of its need. Rainy seasons generally occur at times of its need. Rainy seasons generally occur during the months of need for rain that vary according to region. Winds also blow at the time of need. Where temperatures become intensely low, animals have thicker wool; and there are countless such examples. Likewise, when there was a need for recording of Hadith, Allah created people with phenomenal memories. Such memories are nowhere to be found today. Even these very rejecters of the four Madhahib, who sing slogans of following Hadith, are not able to bring forth one individual who has memorised even Sahih Al-Bukhari and Sahih Al-Muslim with their chains of narrations as was done by the illustrious authors of the blessed books.

“In the same way, when the need arose to document the Shariah, Allah granted many people grand talents and capabilities in Fiqh and Ijtihad. Now that Deen has been recorded, and its laws and fundamentals outlined, this needs no longer exists. Yes, to the extent of the need, some ability of Ijtihad is still to be found, whereby contemporary laws are formulated, through the medium of the principles laid down by the Mujtahidin”.

Muhammad Ibn Abdullah Ibnul Hakam was asked. Who is a Faqih? He replied. “The person who extracts one principle from Quran and Sunnah in which he was not preceded by anyone, then divides that principle into one hundred branches.” The person asked. Who is that has such power? In reply he said: “Muhammad Ibn Idris Ash-Shafi (IMAM SHAFI)”.

Note: The difference between a Faqih and a Muhaddith is that a muhaddith preserves the hadith of rasulullah (PBUH) but a Faqih extracts the Deen of Allah from the Hadith



It is narrated by Imam Ali Ibn Al-Ja'd that once a man came to Imam Zuhair Ibn Muawiyah and Imam Zuhair asked the man: "Where do you come from? (ie. Where did you study previously). The man replied: "...from Abu Hanifah". Imam Zuhair remarked: "You're going to Abu Hanifah for one day is more beneficial for you than staying with me for one month."

It is also narrated about 'Abdullah Ibn Wahb' one of the most eminent student of Imam Malik and an outstanding scholar of hadith. He said "I met (studied under) three hundred and sixty Ulama. Had it not been for Imam Malik and Imam Laith Ibn Saad I would have gone astray in knowledge."

It is important to understand that those who perform Ijtihad within the madhab (of a Mujtahid) such as Abu Yusuf and Muhammad – the two students of Imam Abu Hanifa ; they had the ability to extract laws from the basic sources of Shariah in accordance with the principles laid down by their teacher (Imam Abu Hanifa). They differed with him on subsidiary laws but made Taqlid of him in the fundamental principles.

Some salafis like to argue that what benefit is there in following a dead man? The statement of the illustrious Sahabi Abdullah Ibn Masud adequately answers this question raised by an ignoramus in the guise of a scholar of Hadith. The narration is as follows: "None of you should blindly follow anyone in matters of his Deen, (in a manner that) if he believes, he follows suit. However, if you have no alternative but to follow someone, then follow suit. However, if you have no alternative but to follow someone, then follow those who have passed away, because a living person is not safe from trials." This means that before death, there is no guarantee that any person or scholar will remain on the straight path until his demise. However, it will be safe to follow the teachings of one who has left the world already and it is established that he has never deviated up until his last breath. The world of scholars, through the passage of centuries, testified to the elevated rank of each of the four imams without exception. These ignorant "scholars" wish to take the place of those illustrious imams, and be followed by the masses. It is for that reason that they raise objections like these. May Allah save us and the entire humanity from their evils.

When a person claims to be a Hanafi or Shafi or Maliki or Hanbali, all that he intends to say is that he follows the Sunnah of Muhammad in accordance with the understanding that Imam Abu Hanifa (or Imam Shafi) had of the Sunnah. He asserts that he does so only because he

doesn't possess the qualifications to extract rulings from the sources of the Shariah, hence he follows one of those imams who unanimously recognised and qualified to perform Ijtihad.

Indeed, the 4 imams were more knowledgeable about the book of Allah and the sunnah of Rasulullah than you and I. A story comes to mind which was narrated by Imam Tahawi and Imam Ahmad bin Hanbal that Urwa ibnuz-Zubair objected to a ruling pertaining to Hajj which was being taught by Abdullah Ibn Abaas. The reason for this was because it contradicted the teachings of Hadhrat Abu Bakr and Hadhrat Umar. Ibn Abaas exclaimed "You are going astray in this way! I quote to you the practise of the prophet (PBUH) and you tell me about Abu Bakr and Umar!" Urwah replied "Verily Abu Bakr and Umar were more knowledgeable about the practise of Rasulullah than you."

Shaykh Muhammad Awammah comments: "This is our answer to those people who invite us to abandon the Fiqh of our Imams: Abu Hanifa, Malik, Shafi and Ahmad.

It is for the same reason that the illustrious Muhaddith and Mujahid of Islam, Abdullah ibnul Mubarak used to say: "Do not say: (This is) the view of Abu Hanifah, but rather say: It is the explanation of the Hadith."

Ibn Taymiyyah writes in Ra'ful Malam: "Verily the imams who came before the period of compilation of the Books of Hadith were declared far more knowledgeable about the Sunnah than those who followed, because a large amount of hadith that reached them and were declared authentic by them, only reached us later via anonymous narrators, or with broken chains or did not reach us at all.

Our deen is systemised on Taqlid. Imam al Awzaii used to say: "The person who adopts all the rarities of the Ulama leaves the precincts of Islam." Imam Ali Ibn Al Ja-d attributes the practise upon the concessions of every Alim, then every evil will be gathered in you."

Allamah Ibnul Abidin narrates an incident about a Faqih who proposed for the hand of the daughter of a Muhaddith in marriage. The Muhaddith laid a condition that he should practise 'Raf ul Yadain' (ie. Lift the hands before and after ruku) and he should say the Ameen out loudly in Salah. The Faqih submitted to those conditions and the Nikah took place. "The incident was mentioned to a pious person who, upon hearing this, dropped his head. After some time he raised it and remarked: "I have a fear that the Iman of this man may leave him, due to the fact that he abandoned an act which he practised on the basis of it being Sunnah,

and he substituted it with a contradictory deed without any Shariah reason, but for a worldly motive.”

Another example is when the prophet of Allah (PBUH) narrated that ‘you should wear white clothes’. Those that don’t possess the qualification of Ijtihad will not understand that this statement is a mere recommendation and not an obligation.

Maulana Ashraf Ali Thanwi narrates another incident from his personal experience. He writes:

“There is a village near our area, wherein a particular man married a certain woman. Later it was learnt that both of them were breastfed by the same woman, (thus being foster brother and sister). A person came to enquire from me what was to be done about the matter. I explained to him that this marriage is not correct and that they should be separated. He remarked: “This is going to be a source of immense disgrace. Please find a way for its permissibility?” I said to him: “Firstly! There is no disgrace in separation. Rather, in living together, there will be immense disgrace, because people will say that you have united a brother and a sister in marriage. Secondly, even if there is a disgrace, then let it be. When this is the command of the Shariah, then there is no question of disgrace.” The man began to say: But he drank it and then vomited it out. So I told him: Whether he vomited it out or not, the law doesn’t change.”

“After receiving a clear answer from me, they proceeded to Dehli. There they found a man (who claims) to practise solely on Hadith (without a madhab). It is not my object right now to discuss him; however I do wish to explain their personal-interests. To achieve their aim, they went to this person to see if it could be fulfilled. He said, “If he had consumed less than 5 sips, she does not become impermissible for him (to marry)”. They immediately wrote out a questionnaire stating that a man drinks two sips of milk from a woman during infancy. Does she become his foster mother? The answer was written with the hadith:

*“One or Two sips do not create Prohibition.”*

The man became very happy and proceeded to the husband and wife and handed the fatwa over to them saying “This after all is also an Alim’s Fatwa. If we practise on it, there will be no harm.”

Today, this is the kind of self-interest found in people. What concern was there about how many sips he had drunk? And if, hypothetically speaking, they had been aware of the number of sips that were drunk by the child, then on what basis did they take the fatwa of the one who granted permissibility, and discard the fatwa of the one who passed a ruling on impermissibility- in spite of the fact that the latter was of the very madh-hab of the person in question?

Amongst the conditions for making Taqlid of a particular Imam, is that:

- a) His entire Madhab must have been compiled and available,
- b) His principles of extracting laws from the original sources of Shariah (UsululFiqh) must also be available.
- c) He should have left someone behind, who had studied "FIQH" at his hands and understood his complete concept of extracting Masail from Shariah sources.

If we were to solely base our beliefs on Hadith by using our own intellect to decipher rulings we would be unsuccessful. Imam Abu Mansur Ibn Muhammad Al Faqih stated that a person was praying but before he commenced he placed a goat in front of him. Imam Abu Mansur questioned him regarding this. The man replied that it was proven that Rasulullah had a goat in front of him whilst praying. Unfortunately, the man didn't realise due to his ignorance that the word he translated to mean 'goat' actually meant a 'a certain kind of staff'. This was a mistake made by an Arabian man. Imagine the mistakes a layperson who barely knows Tajweed would make.

Maulana Sarfaraz tells us that in Sahih Bukhari (1/30,43) there is a hadith which states that Uthman narrated from Rasulullah that a person who has intercourse with his wife and does not ejaculate, has only to perform wudhu and not ghusl. If a person acts upon this hadith, then it can only be termed as a deviance, as this law was Mansukh (abrogated).

Maulana Sarfaraz also writes: "In another narration of Sahih Bukhari 1/25 (Hadith 177) and Sunan Tirmidhi 1/11 (hadith 75) etc. It is reported that: "When any one of you are in the masjid, and senses wind within his buttocks, then he should not leave (to perform wudhu) until he perceives a smell or hears a sound." Now, if a person performing Salah passes wind, but due to not hearing any sound or finding any smell, continues with his Salah (because of having read this hadith) then what sort of piety is this?

By reading a hadith of this sort, without studying its explanation as given by the Fuqaha, one may be awfully misled. The translations of the books of Hadith are altogether void of explanations. Those who have studied Hadith under authorised scholars are well aware of the danger of reading these books without guidance.

Maulana Sarfaraz continues: "These incidents are daily occurrences. I have a very sincere friend who told me about his daughter in law who claims to be from the "Followers of Hadith". She maintains, and is persistent, that the Hadith only obligates one to throw three hands full of water over the head for ghusl from Janabah (when a bath becomes obligatory). She claims that Taharah (purity) can be attained by in this way, and that there is no need to pour water over the whole body. She insists: I have read this hadith in Bukhari." This became a cause of such a tension in her home that it eventually ended in Talaq (divorce). As for the narration, it is mentioned that Rasulullah poured water over his head thrice and then he poured over the rest of his body.

The above is a typical example of a very common occurrence. It is a known fact that Imam Bukhari would habitually cut up Ahadith into small sections and mention only the portion of hadith pertaining to his heading. But for a layperson to make judgements without reading the full hadith is a general mistake caused by ignorance.

A similar example is in Sahih Bukhari – where the prophet (PBUH) states that Nuh is the first Rasul. If we were to use this as evidence it would suggest he was the first ever messenger of god despite the fact that Adam is mentioned in the Quran as the first prophet sent by god. The reason the prophet stated Nuh to be the first Rasul is because he was the first prophet sent with his own scripture and message to preach. First we must understand the difference between a Rasul and a Nabi. Every Rasul is a Nabi but not every Nabi is necessarily a Rasul. And a Rasul's rank is higher than that of a Nabi. This man, through his 'intellectual ignorance', adopted the above mentioned belief that Nuh was sent before Adam. This belief contradicted the Quran, several other Ahadith and the consensus of the Sahaba. May Allah Save Us All.

Imam Kowthari has recorded some of these laughable incidents in the accounts of some Muhadditheen who made assumptions without contemplating the context of the hadith.

- A muhadith was noticed performing Salatul Witr whenever he used pebbles for Istinja (cleaning himself after urinating) – he based this upon a hadith which said "He who uses pebbles for istinja should do so in an odd number." Since the same verb is used for Salatul-Witr, the muhadith took the wrong meaning for the Hadith.

- Another Muhadith concluded from the following hadith that it was forbidden for him to water his neighbour's garden:  
*"It is not permitted for one who believes in Allah and the last day to irrigate someone else's crop with his own water".*  
 The Hadith actually implies that, if someone receives a pregnant captive women in war-booty, then he is prohibited from copulating with her until she gives birth.

This is why Imam Malik said that Hadith without Fiqh is dangerous.

The harms that come about from not following a madhab are innumerable, as they affect and encompass masail (laws) pertaining to almost every branch of Deen. However, the more salient ones may be summarised as follows:

- a) Discrediting the scholars that passed from the time of the Tabiin until the present day.

An example of this is the open declaration by Shaykh Suhaymi ( a salafi scholar) who claimed that Imam Nawawi was a "FASIQ". Imam Nawawi is considered to be amongst the greatest Shafii scholars and an authority in the fields of Fiqh and Hadith. He was a prolific author in the said field. His status is acknowledged by the entire Ummah ever since his era. Suhaymi's basis is that Imam Nawawi's beliefs were not in conformance to his. This he stated during a discourse of his in Al-Masjidun-Nabawi, and during one of his visits to South Africa as well.

This is only one example amongst many others. How many illustrious Ulama were even declared Kaafir by some of their scholars! A graduate of the Islamic University Of Medina Munnawarah wrote to me thus: "A certain Tamimi from Madina made remarks that induced students to declare Imam Ghazali a kaafir."

Consider the above, and relate it to the statement made by Abdullah Ibnul Mubarak which he made to a huge mass of people: "Abandon the Hadith of Amr Ibn Thabit, because her blasphemes the earlier scholars."

In fact, their level of disloyalty towards the Ulama of the past has reached such extremes, that they now distort the books of prior scholars and publish them with these distortions. The following is an example:

Shaykh Muhammad Awwammah writes: “Yes, part of the disloyalty and deceitfulness is the altering of the texts of the Ulama and distorting them. This occurs with some of the dissenters from the truth. The most recent of whom I am aware to have fallen into this abyss is Professor Abdul Qadir Arns-ut May Allah forgive him and return him to the truth. This occurred in the last edition (1409 A.H) of the book ‘Al-Adhkar’ of Imam Nawawi.

- b) The spread of the study of Hadith without the guidance of a qualified teacher

This leads to distortion within the Hadith of the Prophet (PBUH). The Muhaddithin sacrificed their entire lives for the preservation of every word of the Ahadith, and standardised the principles thereof. One of the most important among those principles is (talaqqi) which means to receive the wording as well as its explanation from a qualified scholar, who received his knowledge through an authentic chain which links up to Rasulullah. About the importance of talaqqi., and what harm is caused by its absence when studying hadith.

No doubt that some hadith and quran ayats are very simple and straightforward. These ayats are easy for a layperson to contemplate and understand. For example: In Surah Al-hujjaj verse 12 it says: Do not backbite.

An example from the hadith is “There is no preference of an Arab over a non-Arab.” This Hadith is also clear and uncomplicated. A rudimentary knowledge of Arabic would enable its understanding. Conversely, there are many commandments in the Quran and Sunnah which are ambiguous. In some cases, some hadith contradicts and displace another. For example: “*Whoever has an Imam, then the Imam’s recitation is his recitation.*” This seems to indicate while the Imam is reciting in Salah, the muqtaqi (follower) should remain silent. However, another Hadith says: “There is no salaah for he who does not recite Surah Al-Fatiha.” This hadith seems to indicate that everyone should recite Surah Al-Fatiha. The question arises whether the first hadith should be taken as the primary source referring to the Imam or the one who offers Salat individually and the second Hadith explained as a corroborating evidence; or should we make the second hadith the base and that the first hadith refers to the Imam’s recitation after he recites Surah Fatiha.

This is another reason as to why we do taqleed and leave the Ijtihad for the four imams. Imam Abu Hanifa states that reading Surah Fatiha behind an Imam is not necessary but Imam Shafi has stated that the prayer is incomplete without the muqtadis reciting Fatiha.

The famous hanafi jurist, Shaykh Abdul Ghani Al-Nablusi states: “The issues which are agreed upon- without any doubt and by necessity- do not require any Taqleed of any of the four imams like the obligation of Salaat, Fasting, Zakaat and Hajj, etc. And like the prohibition of adultery and fornication, drinking wine, murder, stealing and usurping. The issues which are debated are the issues where Taqleed becomes necessary.”

Shaykh Kathib Al-Baghdadi writes: “As far as Islamic rules are concerned, there are of two types. The first are those which are known by necessity to be part of the deen of the prophet (PBUH) – like Salah, Zakaat, Sawm, Hajj; the prohibition of adultery, wine and so on. Taqleed is not allowed in these issues since they are such that everyone should know and understand. The second type are those set of rules which need to be understood and extrapolated such as the details of the rituals of worship, transactions and weddings, for example, Taqleed is allowed in these situations since Allah says:

“So ask the people of remembrance if you know not.” (Surah An-Nahl: 43)

The only reason a Muqallid follows an Imam is because of the conviction that the Mujtahid has insight into the Quran and Sunnah. Salafis claim that following an Imam is “blind-following” and Shirk. However, considering all the daleels (evidences) in favour of following the rules given by Imams they have yet again been proven wrong.

Mufti Taqi Usmani Sahib writes in his book “The legal status of following an Imam” that “resorting to a Mujtahid is necessary to understand the complex interpretations of the Quran and Sunnah.

Thus, there are no grounds to accuse those who practise Taqleed



of following the Imams of Ijtihad rather than the Quran and Sunnah. Rather, Taqleed facilitates the following of the Quran and Sunnah.

People would seek fatwa from ‘ulama’ since the earliest of times in matters which they were in need of, because the majority of people are not able to derive the rulings of the Shari‘ah from their original sources. Thus, it would be necessary for them to refer to those who have knowledge of these rulings. This is what Allah (Glorified and Exalted is He) ordered in His noble saying: “So ask the people of remembrance if you do not know.” (16:43) And as long as a mufti is trusted in his knowledge and his piety, they would not demand evidence for what he said – and this is the technical meaning of *taqlid*, since they defined it as: “Acting on the opinion of another without knowing his evidence or demanding proof.”

However, in the best of generations, they would not restrict themselves to taking fatwa from a single scholar, such that they would not permit seeking fatwa from another scholar, although when individuals had a particular affinity with a scholar of a certain land, their reliance on him would be greater than others, so by virtue of that affinity, they would refer to that scholar in all matters or most of them.

Of this is what al-Bukhari transmitted from ‘Ikrimah that the people of Madinah would ask Ibn ‘Abbas: “Is it permissible for a woman [that is a pilgrim], when she is menstruating, to set off for her hometown after the Tawaf al-Ziyarah and omit the Tawaf al-Wida’?” Ibn ‘Abbas answered them by [saying] that it is permissible for her to set off and omit the Tawaf al-Wida’. They said to him: “We will not adopt your opinion, and leave the opinion of Zayd.” In the transmission of al-Isma‘ili: “We do not care, whether you have issued us a fatwa or you have not issued us a fatwa. Zayd ibn Thabit says: ‘She does not set off.’” In the transmission of al-Tayalisi: “We will not follow you, Ibn ‘Abbas, when you oppose Zayd.” This is because they had greater confidence in Zayd ibn Thabit. Later, Zayd ibn Thabit retracted from his opinion when he came to know of the hadith of Safiyyah, as transmitted by Muslim from Tawus: “I was with Ibn ‘Abbas when Zayd ibn Thabit said to him: ‘You issue fatwa that a menstruating woman departs before having her final meeting with the House?’ Ibn ‘Abbas said: ‘At the least, ask so-and-so Ansari woman: Did the Prophet (Allah bless him and grant him peace) command her?’” He said: “Subsequently, Zayd ibn Thabit returned to Ibn ‘Abbas, laughing,

and saying: ‘I do not believe but that you told the truth!’” When Zayd ibn Thabit (Allah be pleased with him) retracted, the people of Madinah were content that it is permissible for her to set off [before performing the Tawaf al-Wida’].

And of this is what Imam Ahmad ibn Hanbal (Allah – Exalted is He – have mercy on him) transmitted from Abu Muslim al-Khawlani (Allah – Exalted is He – have mercy on him), he said: “I came to the mosque of the Damascenes, when there was a circle therein comprising of senior companions of the Prophet (Allah bless him and grant him peace), and there was a youth amongst them with kohl on his eyes and bright teeth. Whenever they differed in anything, they referred it to the young man, a youthful young man.” He said: “I asked a sitting-companion of mine: ‘Who is this?’ He said: ‘This is Mu‘adh ibn Jabal.’” And in another narration: “Whenever they differed over anything, they referred it to him and they departed on his opinion.”

Examples of this are many.

The upshot is that most people would refer to those they trusted, and they would prefer his fatwas over the fatwas of others. There were some who did not suffice with seeking fatwa from a single scholar, because the madhhabs were not codified in that time, so they did not believe it was forbidden to seek fatwa from anyone that was accessible to them, even if it was someone besides whom they normally referred to. There was no fear at that time that people would select from the different madhhabs that which accorded with their passions because it was difficult for the questioner to know the opinion of the one he is seeking fatwa from before he asked him, which was because the madhhabs were not yet codified.

But after the codification of the four madhhabs of jurisprudence with a specific structure, and books were compiled on them, and they condensed into schools which were dedicated to studying them, and the opinions of these madhhabs became well-known and familiar to the people, if it was permitted for everyone to select from these opinions whatever he wished whenever he wished, that would lead to following desires and not following the bright Shari‘ah. There is no doubt that each of these jurists only selected an opinion on the basis of the strength of its evidence according to him not on the basis of what his heart desired, so it would be possible for another mujtahid to select or reject what he said

due to a stronger evidence that appeared to him from the sources of Islamic legislation. However, the layperson who is not able to compare between these opinions on the basis of the evidences of the Shari'ah, if he was given the option to adopt what he wished and reject whatever he wished, it would be feared for him that he will adopt from these opinions that which accords with his desires, and not because of the proof of the Shari'ah that was the basis of that opinion.

Furthermore, each one of these madhhabs has a specific structure under the remit of which it operates, whereby many of its rulings are linked to each other. Thus, if one ruling from it is adopted and another ruling that is linked to it is omitted, the structure would collapse, and a situation of *talfiq* (mixing opinions from different madhhabs on a single issue) – not taken as valid by anyone – may arise.

It is difficult for a layperson to appreciate these subtleties, so if the door of selecting was to be opened for the layperson, that would lead to chaos in the laws of the bright Shari'ah. It was for this [reason] that a need arose to adopt a specific madhhab, not because the follower of a particular madhhab believes his Imam is an intrinsic authority – protection is from Allah, the Glorious! – but, because he trusts his knowledge in the Shari'ah and its proofs more than others, or because knowledge of his madhhab is easier for him with respect to the founders of the other madhhabs.

By such adoption of madhhabs, the circumstances of the people – in terms of faithfulness to the Shari'ah and not following haphazard whims therein – were regulated, because selecting from the opinions of the jurists based on whim and not on the basis of evidence is from that which the scholars, both ancient and recent, have condemned. Imam Ma'mar ibn Rashid (Allah – Exalted is He – have mercy on him) said: “If a man was to adopt the opinion of the people of Madinah on listening to songs and approaching women from their behinds, and the opinion of the people of Makkah on temporary marriage and barter, and the opinion of the people of Kufah on intoxicating substances, he would be from the worst of the slaves of Allah.” (*Talkhis al-Habir*, 3:187)

Hafiz Ibn Taymiyyah (Allah – Exalted is He – have mercy on him) said: “An example of this is that a man believes in the validity of the pre-emption<sup>[1]</sup> of a neighbour when he demands it, and its invalidity when he is the buyer, because this is not permissible by consensus; and likewise, one who assumes the validity of the guardianship of a sinner in the

process of his marriage and assumes the invalidity of his guardianship in the process of his divorce – this is not permissible by consensus of the Muslims. If a particular questioner said: ‘I was not aware of that, and from today I am adhering to this,’ that would not be [accepted] from him because it would open the door to playing with the religion and open the means to legalisation and illegalisation being according to whims.” (*Majmu‘ al-Fatawa li Bni Taymiyyah*, 32:101)

Imam al-Nawawi (Allah – Exalted is He – have mercy on him) said: “Its reason is that if it were permissible to adhere to any madhhab one wished, it would lead to collecting the concessions of the madhhabs, in accordance with one’s desires, and opting between legalisation and illegalisation, obligation and permission, and this will lead to relinquishing the noose of moral responsibility (*taklif*); as distinguished from the early period, because [at that time] there were no refined madhhabs that encompassed the rulings of [all] outcomes. Based on this, it is necessary for him to make effort in opting for one madhhab he will adhere to specifically.” (*al-Majmu‘ Sharh al-Muhadhdhab*, 1:55)

Ibn Khaldun (Allah – Exalted is He – have mercy on him) said: “*Taqlid* in all towns came to rest on these four, and *muqallids* of other than them have disappeared. The people blocked the door of disagreement and its paths when the diversification of the technical terms of the sciences became extensive; and when it became difficult to reach the level of *ijtihad*; and when it was feared that [somebody] unqualified for it whose opinion and religion are not trusted would be ascribed to it; so they [i.e. scholars] made [their] incapacity and deficiency clear, and they directed people to *taqlid* of these [four], to all who are specialised therein from the *muqallids*, and they forbade modification of their *taqlid* because it would imply frivolity. All that remained after authentication of the basic texts and connecting their chains by narration is transmission of their madhhabs, and each *muqallid* acting on the madhhab of the one he does *taqlid* of from them. There is no meaning to jurisprudence today besides this. And the claim of *ijtihad* in this age is rejected and turned on its heel, and his *taqlid* is abandoned. The people of Islam have evolved into *taqlid* of these four Imams.” (*Muqaddimah Ibn Khaldun*, p. 430)

Shaykh Wali Allah al-Dihlawi (Allah – Exalted is He – have mercy on him) said: “Know that the people in the first and second centuries were not united on *taqlid* of one specified madhhab, and after the second century, there appeared amongst them adherence to the madhhabs of specific mujtahids, and those who did not rely on the madhhab of a specific mujtahid became few – and this was the obligation of that time.

If you say: How is it that one thing is not obligatory at one time, but obligatory at another time, although the Shari'ah is one? I say: The original obligation is that there are those in the ummah who are aware of the corollary rulings from their detailed evidences. The people of truth are united on this. And the prelude to an obligation is obligatory. When there are many avenues to that obligation, it is necessary to acquire any avenue from those avenues without particularisation, but when one avenue becomes specified, that one avenue itself becomes obligatory...Based on this, it should be that the result is the obligation of *taqlid* of a specific imam." (*al-Insaf fi Bayan Asbab al-Ikhtilaf*, p. 68, 70)

He said at another place: "Indeed these four codified and refined madhhabs have united the ummah, or those who are noteworthy from them, on the permissibility of *taqlid* of them, to this day of ours. In this are interests that are not hidden, especially in these days in which aspirations are very shunted and souls are given to desire and every holder of an opinion is impressed by his own opinion."

Although the mujtahid jurists were widespread in every region of the Muslim regions, it was the will of Allah (Exalted is He) that no madhhab would be codified with a total composition in the way the madhhabs of the four jurists were codified, and their affiliation to them was mass-transmitted, and their pupils who studied them and examined them and drew corollaries from them overflowed. Such a thing did not happen to the other madhhabs. Shaykh Wali Allah al-Dihlawi (Allah – Exalted is He – have mercy on him) said: "In sum, adopting the madhhab of the mujtahids is a secret that Allah (Exalted is He) inspired to the 'ulama', and He united them upon it, whether consciously [on their part]or unconsciously." (*al-Insaf*, p. 73)

This is why the 'ulama' said that it is obligatory for the non-mujtahid to do *taqlid* of one of these four madhhabs, and not do *taqlid* of a madhhab besides them.

Imam al-Nawawi (Allah – Exalted is He – have mercy on him) said: "He does not have the option of adopting the madhhab of any of the imams of the Sahabah (Allah be pleased with them) and other than them from the early ones, although they were more learned and of a higher rank than those after them, because they did not devote themselves to codifying knowledge, and delineating its principles and its branches, as none of them have a refined, codified and approved madhhab. Only those who came after them took up this [task]from the Imams affiliated with the madhhabs of the Sahabah and the Tabi'in, who began to lay out the laws of outcomes before their occurrence, and who set out to

elucidate their principles and their branches, like Malik, Abu Hanifah, and others.” (*al-Majmu‘ Sharh al-Muhadhdhab*, 1:55)

Al-Munawi transmitted from Hafiz al-Dhahabi (Allah – Exalted is He – have mercy on them) that he said: “It is necessary for us to believe that the four Imams, the two Sufyans, al-Awza‘i, Dawud al-Zahiri, Ishaq ibn Rahwayh, and all the Imams, were upon guidance, and no attention is paid to those who speak against them with what they are free from. The truth in accordance with the majority is that the one who is right in the corollaries is one, and Allah (Exalted is He) has a sign in what He has decreed, and that the mujtahid is given the responsibility of finding it, and that the one who misses it is not sinful, but is rewarded. Thus, the one who is right has two rewards, and the one who errs has one reward. Yes, if the mujtahid is deficient [in his knowledge], he is sinful, by agreement, and [it is necessary] for the non-mujtahid to do *taqlid* of a specific madhhab...but it is not permissible to do *taqlid* of the Sahabah and likewise the Tabi‘in, as stated by Imam al-Haramayn, of all whose madhhab has not been codified, so *taqlid* of other than the four [Imams] in judicial decree and fatwa is prohibited, because the four madhhabs have spread and have been codified, such that the conditions of their absolutes and the specifications of their generalities are clear; as distinguished from [madhhabs] besides them due to the extinction of their followers.

Imam al-Razi (Allah – Exalted is He – have mercy on him) transmitted consensus of the verifiers on the prohibition of laypeople doing *taqlid* of individuals from the Sahabah and their elders.” (*Fayd al-Qadir* by al-Munawi, 1:210) - although some may argue he possessed the capability to do some form of *Ijtihad*, he nonetheless resorted to *taqleed* as this was the safer option.

Shaykh Wali Allah al-Dihlawi (Allah – Exalted is He – have mercy on him) said in another place: “Know that there is great welfare in adopting these four madhhabs, and in turning away from all of them is great corruption, and we will explain that with reasons...” (*Iqd al-Jid*, p. 53) He said in another place: “So when an ignorant person is in the lands of India or the lands of Transoxiana, and there is no Shafi‘i, Maliki or Hanbali scholar there, and no book from the books of those madhhabs, it is necessary for him to do *taqlid* of the madhhab of Abu Hanifah, and it is forbidden for him to leave his madhhab, because by doing so he will release [himself from] the noose of the Shari‘ah and will remain aimless and without purpose; as distinguished from the situation where one is in the two Harams, because there it is easy for him to know all the

madhhabs. It is not sufficient for him to adopt [the opinions of the madhhab] by speculation and without assurance, nor to take from the tongues of the commoners, nor to take from an unknown book, all of which are mentioned in *al-Nahr al-Fa'iq Sharh Kanz al-Daqa'iq*.” (*al-Insaf fi Bayan Asbab al-Ikhtilaf*, pp. 77-8)

It is apparent from all of this that the objective is adherence to what has come of the laws of the Shari'ah in the Qur'an and Sunnah, and that it is not usually easy for a non-mujtahid to derive these laws by himself, either because he is unable to understand them, or because the texts hold more than one meaning, or due to the apparent contradiction of evidences, so he relies on the opinion of a mujtahid whose opinion he has trust in over other than him, or the opinion of a mujtahid whose madhhab is well-known in his land. This is adoption of a madhhab (*tamaddhub*) or individual *taqlid* (*al-taqlid al-shakhsi*).

However, adopting a specific madhhab is not negated by a learned scholar – who has insight into the evidences of the laws in an issue from the issues – adopting the opinion of another madhhab, not on the basis of whim, but on the basis of a stronger evidence that appears to him. Based on this, many of the jurists of the Hanafis issue fatwa in many issues according to an opinion that opposes the opinion of Imam Abu Hanifah (Allah – Exalted is He – have mercy on him), as they did in the issue of cropsharing (*muzara'ah*), and taking payment for teaching the Noble Qur'an, and in the issue of a person duped [in a monetary transaction] having the option [to cancel the deal] and other well-known issues.

This is due to what our 'ulama' have stated explicitly that *taqlid* of a specific Imam is not a ruling of the Shari'ah *per se*, but it is only a fatwa that was issued in order to regulate the affairs of religion, and to avoid what was feared in not doing so, of the corruptions of playing [with the religion] and following desires.

Mufti Taqi Usmani relates: “I heard my father ‘Allamah Mufti Muhammad Shafi’ (Allah – Exalted is He – have mercy on him) relate numerous times the statement of Shaykh al-Hind Imam Shaykh Mahmud al-Hasan (Allah – Exalted is He – have mercy on him) say: “Indeed *taqlid* of a specific madhhab is not a ruling of the Shari'ah *per se*, but it is a fatwa that was issued in order to regulate the religion by means of it.”

Imam Shaykh Ashraf ‘Ali al-Thanawi (Allah – Exalted is He – have mercy on him) said in one of his sermons: “Thus, we do not believe that individual *taqlid* is mandatory or obligatory in itself, but we say that the affairs of religion are regulated by individual *taqlid*, and there is chaos in abandoning *taqlid*.” (*Khutbat Hakim al-Ummat*, 6:172)

From the corollaries of this viewpoint is that whenever there is safety from following desires, there is no harm in adopting that which is stronger in evidence for a scholar that is qualified to examine the evidences.

Imam Faqih Shaykh Rashid Ahmad al-Gongohi (Allah – Exalted is He – have mercy on him) said: “Indeed the jurists banned the laypeople from non-individual *taqlid* (which is *taqlid* of a madhhab in one issue and another in another issue) for the reason of these [corrupt consequences]. However a scholar who is safe from these corrupt consequences, it is permissible for him to exercise non-individual *taqlid* even today, with the condition that he does not cause confusion and chaos thereby amongst the commoners.” (*Tadhkirat al-Rashid*, 1:132)

He said in another place: “The upshot is that when it is established that this ruling from our Imam goes against the Book and Sunnah, it is necessary for every believer to leave it, and no one will deny this after it becomes clear, but how is it possible for laypeople to verify this matter?”

The teacher of our teachers, Imam Ashraf ‘Ali al-Thanawi (Allah – Exalted is He – have mercy on him), explained this matter with extreme moderation and balance, so there is no harm in citing his statement with his wording followed by its Arabic translation:

Just as rejecting *taqlid* is deserving of censure, extremism and rigidity therein is also deserving of condemnation. It has preceded that a mujtahid is not imitated with the belief that he is the lawgiver and bringer of laws, but he is only imitated with the belief that he is a clarifier of the laws and an elucidator of the legislations and one who reveals the intent of Allah (Exalted is He) and the Messenger (Allah bless him and grant him peace). This is why *taqlid* is only acted upon when a matter negating that belief or eliminating it does not arise.

Thus, if it is clear to a scholar with depth of insight, perception of mind, fairness of temperament, by his investigation, or to a layperson through the medium of that scholar by the testimony of his heart – with the



condition that he is fearful [of Allah](*muttaqi*) – that the stronger [position] in this issue is another opinion, it will be examined if there is any possibility for the permissibility of acting on the weaker position based on the evidence of the Shari'ah or not? If there is scope there, and it is feared that in publicising the disagreement there will be tribulation and confusion amongst the commoners, it is better in such a situation to act on the weaker position, to save the common Muslims from division. This is proven by what 'A'ishah (Allah – Exalted is He – be pleased with her) narrated, she said: "The Messenger of Allah (Allah bless him and grant him peace) said: 'Do you not see that your people, when they [re-]built the Ka'bah, they were deficient in [building it on] the foundations of Ibrahim?' So I said: 'O Messenger of Allah! Will you not return it to the foundations of Ibrahim?' So he said: 'If it were not for the recentness of your people in disbelief, I would have done [so].'" The Six transmitted it besides Abu Dawud. So despite building the Ka'bah on the foundations of Ibrahim (upon him peace) being superior, the Messenger of Allah (Allah bless him and grant him peace) opted for the weaker option, for fear of tribulation and confusion, because this weaker option was permissible in the Shari'ah, even if weak...

Likewise it is narrated from Ibn Mas'ud (Allah – Exalted is He – be pleased with him) that he prayed four (meaning, in travel), so it was said to him: "You criticise 'Uthman [for praying four in travel], and then you prayed four?!" He said: "Dissent is evil." Abu Dawud transmitted it. So despite it being stronger according to Ibn Mas'ud (Allah – Exalted is He – be pleased with him) to shorten [the prayer] in travel, he prayed it in full to avoid dissent and evil. Apparently, he believed in the validity of that also, so by this what we mentioned – that if the weaker option is permissible, opting for it is better to avoid tribulation and confusion – is strengthened.

However, if the weaker option does not allow for permissibility, rather it necessitates the omission of an obligation or the performance of a prohibition, and it has no evidence besides analogy, and there is an explicit authentic hadith for the stronger side, it is necessary to act on the hadith without hesitation, and *taqlid* is not permissible in this situation at all, because the foundation of religion is the Noble Qur'an and the Sunnah, and the objective of *taqlid* is nothing besides acting on them with ease and safety. So when the harmony between them [i.e. *taqlid* and acting on the Qur'an and Sunnah] is negated, it is necessary to act on the Qur'an and Sunnah, and rigidity on *taqlid* in such a situation is the *taqlid* on which censure has occurred in the Qur'an and Sunnah and the statement of the 'ulama'. Thus it is narrated from 'Adiyy ibn Hatim

(Allah – Exalted is He – be pleased with him), he said: “I came to the Prophet (Allah bless him and grant him peace), and I heard him recite: ‘They have taken their rabbis and their monks as gods beside Allah’ (9:31) He said: ‘They would not worship them, but when they made anything halal, they considered it halal, and when they made anything haram, they made it haram.’” Al-Tirmidhi transmitted it.

And the practice of the Salaf and the verifiers has always been that whenever it appears to them that their opinion or the opinion of another goes against the command of Allah (Exalted is He) or His Messenger (Allah bless him and grant him peace) they renounce it immediately, as is narrated from Numaylah al-Ansari (Allah be pleased with him), he said: Ibn ‘Umar (Allah – Exalted is He – be pleased with them) was asked about eating hedgehog, so he recited: “Say: I do not find, in what has been revealed to me, anything prohibited for anyone who eats” [to the end of] the verse (6:145). So a shaykh next to him said: I heard Abu Hurayrah say: Hedgehog was mentioned before the Messenger of Allah (Allah bless him and grant him peace), and he said: “An impurity from the impurities,” so Ibn ‘Umar said: “If the Messenger of Allah (Allah bless him and grant him peace) said this, it is as he said, as we did not know.” Abu Dawud transmitted it.

The ‘ulama’ of the Hanafis also remained on the practice of this principle, so they left the opinions of their Imam in a number of issues, and by this it becomes clear to every fair person that what some people accuse them of, of fanaticism and rigid *taqlid*, is a clear error which resulted from looking at the transmissions without understanding... However, it is not permissible, despite abandoning *taqlid* in this issue, to attack the honour of the mujtahid by lengthening the tongue against his respected self or holding a bad opinion in the heart that he abandoned an authentic hadith, because it is possible that that hadith did not reach him, or it reached him with a weak chain, or that hadith was interpreted by him with an indication of the Shari‘ah. So he is excused. And vilifying the perfection of their knowledge due to being unacquainted with that hadith falls under the totality of lengthening the tongue against them because it is established that some hadiths did not reach some of the senior Sahabah regarding whose perfect knowledge there is no doubt, and that was not considered a deficiency in their perfection. Thus it is narrated from ‘Ubayd ibn ‘Umayr (Allah – Exalted is He – have mercy on him) in the story of the seeking of permission by Abu Musa (Allah – Exalted is He – be pleased with him) the statement of ‘Umar (Allah – Exalted is He – be pleased

with him): “This command of the Prophet (Allah bless him and grant him peace) was hidden to me. Trading and markets distracted me.” Al-Bukhari transmitted it.

Likewise when a *muqallid* of that mujtahid, his breast has not expanded in that issue, and he thinks – due to good opinion of the mujtahid – that his opinion does not go against the hadith, so he continues to do *taqlid* of him in that issue due to this opinion, and he does not reject the authentic hadith, but he does not understand the agreement of his Imam with that authentic hadith in detail, it is not permissible to blame that *muqallid*, because he is also adhering to evidence of the Shari‘ah, and he does not aim but adherence to the Shari‘ah; and likewise it is not permissible for that *muqallid* to condemn that scholar who left *taqlid* in that issue due to the aforementioned reason, because this variation of theirs is akin to the variation which occurred amongst the Salaf and on which the ‘ulama’ said: “Indeed our madhhab is correct – probabilistically – with the possibility of being incorrect, and the madhhab of others is incorrect – probabilistically – with the possibility of being correct.” So when the other side has the possibility of being correct also, how can it be permissible, because of that, to declare any [of them] misguided, or to declare him a sinner, or to accuse him of bid‘ah, or Wahhabiyyah, and cause envy, rancour, obstinacy, dissension, backbiting, insult, abuse, vilification and curse which are absolutely forbidden?!

Yes, the man who opposes the majority of the Muslims in their beliefs or in matters that are agreed-upon, or he extends his tongue with respect to the righteous Salaf, he is out of the Ahl al-Sunnah wa I-Jama‘ah, because the Ahl al-Sunnah wa I-Jama‘ah are those who tread the path of the Sahabah, and these matters go against their beliefs, so this man is outside of the Ahl al-Sunnah and included within the people of innovations and passions. And similar is the man who is extreme in his *taqlid* whereby he rejects the Qur’an and hadith because of it. So it is necessary to avoid and stay clear of these two men while shunning the well-known debates. This is the balanced truth. Anything besides it is error and excess. O Allah! Show us the truth as truth and grant us adherence to it, and show us falsehood as falsehood, and grant us avoidance of it. (*al-Iqtisad fi I-Taqlid wa I-Ijtihad*, pp. 84-9)

It is clear from this that adopting a specific madhhab and doing *taqlid* of a mujtahid is not [done] but to arrive at what is established from the rulings of the Shari‘ah from the Book and Sunnah for those who are not able to reconcile between contradictory evidences. This is why the ‘ulama’ have clearly stated that there is no need for *taqlid* in creed and

rulings that are stated explicitly, like the obligation of Salah, fasting, Zakah and Hajj, and the prohibition of wine, swine, usury, lying, deception and treachery, from the rulings in which there is no room for *ijtihad*, and the texts on them do not hold more than one interpretation. (See *al-Dhakhirah* by al-Qarafi, 1:148)

Likewise, adopting a madhhab does not mean the ‘ulama’ of that madhhab do not go against the opinion of their Imam in any of the issues. From this is what is narrated from Imam al-Tahawi – and he was a Hanafi in madhhab – that he said: “Abu ‘Ubayd ibn Harbawayh would revise rulings with me. So I answered him one day regarding an issue, and he said to me: ‘This is not the opinion of Abu Hanifah.’ Thereupon, I said to him: ‘O Qadi! Do I take everything Abu Hanifah said?’ He said: ‘I did not think you but a *muqallid*.’ I said to him: ‘Does any do *taqlid* besides a fanatic?’ He said to me: ‘Or an idiot.’ Then this statement flew across Egypt until it became a proverb.”

That which al-Tahawi (Allah – Exalted is He – have mercy on him) intended was that adopting a specific madhhab does not negate that a scholar like al-Tahawi adopts an opinion besides the opinion of his Imam in an issue, otherwise he will be a fanatic.

From this, it becomes clear that *taqlid* has [four] levels:

1. The first level is the *taqlid* of the layperson who does not have knowledge of the Qur’an and Sunnah, nor mastery of the sciences derived from them. Those who graduate from the seminars (*madaris*) and religious universities and have not acquired an ability by which they are able to compare between juristic opinions in light of the Book and Sunnah are included amongst them. The ruling of these [people] is that they adhere to the madhhab of a specific Imam, and they do not adopt [anything] besides the opinions of their Imam, because the opinion of their Imam is a proof with respect to them, and they do not have the right to assess whether the opinions of their Imam are against the Book and Sunnah by their mere opinion, because that which is necessary for such an assessment is not available to them.
2. The second level is the *taqlid* of the learned scholar, who, although he has not reached the level of complete *ijtihad*, but because of the expanse of his knowledge of the sciences of the Qur’an and Sunnah, and his mastery in the madhhab of his Imam, and his extensive experience of jurisprudence and fatwa with skilled teachers, he acquired a strong ability to inspect the evidences of the jurisprudential rulings. Although such a scholar does *taqlid* of his Imam in most of the chapters of jurisprudence, nonetheless, when he finds an opinion of his Imam

against a clear text and he does not find, despite his lengthy investigation, anything that contradicts that text, it is permissible for him to leave the opinion of his Imam because of that clear text, as we have mentioned previously from the statement of Imam Shaykh Ashraf ‘Ali al-Thanawi (Allah – Exalted is He – have mercy on him). Likewise, when such a scholar feels that in the madhhab of his Imam in an issue from the issues there is a severe crisis, and that there is a widespread need to avert this crisis by opting for another juristic madhhab from the four followed madhhabs, it is permissible for him to issue fatwa or act on the opinion of another mujtahid besides his Imam, just as the Hanafis did in the issue of the wife of a lost man and other [issues], as will come – if Allah (Exalted is He) wills – in its place. However, the most precautionary [route] in this age in the issues in which there is a widespread affliction is that a man does not act independently in such issues with his individual opinion; rather, he consults other ‘ulama’, and he does not issue a general fatwa except after acquiring the agreement of a body of firmly-grounded scholars.

3. The third level is the *taqlid* of a mujtahid in the madhhab, and he is the one who, although he is a *muqallid* of his Imam in the principles, nonetheless, he has acquired a degree of ijtihad in the peripherals or in the jurisprudential cases (*nawazil*). The scholars of extraction (*takhrij*) and assessment (*tarjih*) and the mujtahids in jurisprudential issues (*masa’il*) are included in this as will come – if Allah (Exalted is He) wills.

4. The fourth level is the *taqlid* of an absolute mujtahid, because although he is independent in deriving the laws of the Shari’ah from the Book and Sunnah, but he has no alternative but to [exercise] a degree of *taqlid*, which is that he examines the statements of the Salaf from the Sahabah and Tabi’in, and holds to them in the explanation of the rulings of the Qur’an and Sunnah. And at times there is no clear text from the Book and Sunnah, but there is a statement from one of the Sahabah or Tabi’in, so he gives it preference over his personal opinion. This is just as Abu Hanifah (Allah be pleased with him) often adopted the opinion of Ibrahim al-Nakha’i, and al-Shafi’i the opinion of Ibn Jurayj, and Malik the opinion of one of the seven jurists of the Illuminated City. ‘Allamah Ibn al-Qayyim (Allah – Exalted is He – have mercy on him) said about the absolute mujtahid: “His ijtihad does not negate his *taqlid* of other than him at times, for you will not find any of the Imams, but he is a *muqallid* of one who is more learned than him in some rulings. And indeed al-Shafi’i (Allah have mercy on him and be pleased with him) said in a place of Hajj: ‘I said this doing *taqlid* of ‘Ata’.” (I’lam al-Muwaqqi’in 4:179)

*Usul al-Ifta’ wa Adabuh*, Mufti Muhammad Taqi Usmani, pp 61 – 84

### **The concept of Taqleed in the Quran**

Both classifications of Taqleed, in the form mentioned above, are found in the Quran. The following selected verses of the Quran demonstrate this:

Verse Number 1: “O you who believe! Follow Allah; follow the messenger and those of authority (Amr) amongst you.”  
(Surah Al Nisaa:59)

That of authority (amr) has been explained by some as the jurists. This was the opinion of Abdullah ibn Abbas, Mujahid, Atta ibn abi rabah, Ataa ibn Saib, Hasan of Busra, Abu Aliyah and many others.

Verse Number 2: “And when there comes to them a matter concerning (public) safety or fear, they relay it. If they had only referred it to the Messenger and to those of authority, those who can investigate and extract (information) amongst them would know (the rumour’s validity)...”  
(Surah Al Nisaa:83)

The reason this verse was revealed was regarding the hypocrites of Medinah. However, it is very well established in the principles of tafseer and jurisprudence that in extracting rules and laws from specific circumstances of revelation, the specific details give way to the general meaning of the text – such a general principle is contained in the verse quoted above. The principle is that: those who do not possess the tools of investigation should refer to those who can. This is precisely Taqleed.

Verse number 3: “ O Believers! Obey Allah, the messenger and those authorities amongst you.” (4:59)

According to the interpretation of Sayyiduna Jabir Ibn Abdullah and Sayyiduna Abdullah Ibn Abbas “Those of authorities...” implies to the jurists and scholars. (Ahlamul Quran Volume 2 Page 210)

Some people object that according to the backdrop of the revelation, this verse implies to obeying the leaders as opposed to the jurists and scholars. In response to this, the prime objective of following authorities is to ensure one is following the commandments of Allah and His messenger. The leaders who themselves follow Shariah in its entirety and are able to resort to the sources, must be followed. This can equally apply to the Mujtahids also, as suggested by the above Companions. Had the verse been restricted to the leaders only, then there would have been no scope of eminent Sahabah such as Sayyiduna Abdullah Ibn Abaas to interpret otherwise.

Verse Number 4: “Had they referred the matter to the Messenger and those of authority amongst them, then surely those who infer the matter (by investigating) would come to know of it.” (3:83)

Inferring matters by investigation can also apply to Qiyas (analogical deduction) and Ijtihad in contemporary cases. This is only possible for those who are qualified and possess profound insight into such matters. (Ahkamul Quran Volume 2, Page 262, Roohul Maani Volume 5, Page 85)

This verse emphatically alerts the layman to resort to expert opinion in matters they have no knowledge of, especially in matters of Ijtihad and ambiguous texts. There are endless cases of jurisprudence where the jurists have differed amongst themselves. Each jurist infers a ruling based on his qualified interpretation of the detail evidences, in light of his Usul ul-Fiqh.

It is not possible for a layperson to differentiate and distinguish between sound and weak evidences. Consequently, he will brand others to be wrong whilst considering his interpretation to be correct. This is the approach and practise of so many youths today. A jurist's opinion that conflicts with an authentic hadith, does not mean he has discarded the sunnah. The jurist may have other supporting evidences and reasons for not acting upon a particular Hadeeth, as was illustrated in the previous example (Classifications of texts).

To summarise the above verse suggests that those who possess knowledge and the right tools of inferring legal rulings are vested with the authority to disclose the law of Allah through intense research of the Shariah sources.

Verse number 5: “So ask the people of knowledge if you do not know.” (16:43)

Allamah Alusi, a renowned commentator of the Quran, comments on this verse,

“There are those who have permitted Taqleed of a Mujtahid from this verse, stating that if a person is not a Mujtahid, it becomes mandatory upon him to follow and resort to a Mujtahid scholar due to the command. “So ask... and the correct position is that there is no distinction (in

following) between theological or jurist matters and a Mujtahid whether he is alive or deceased.” (Roohul Maani Volume 7 Page 387)

This verse with its commentary is self-explanatory, suggesting the obligation of a layman to resort to the view of a Mujtahid matters pertaining to the Deen.

### **The types of Taqlid**

There are two forms of Taqleed; the first is called Taqleed Am; an unrestricted form of adherence whereby, one chooses to follow a particular scholar or school in one particular legal issue and another scholar or school in a different legal issue.

The second is called Taqleed Shakshi, a restricted form of Taqleed whereby an individual follows a particular school or scholar in all legal matters.

Both forms of Taqleed existed in the early days. However, after the development of the four legal schools, the later scholars converge upon a consensus to follow only one of the four school in order to shun the doors of more diverse opinions and possibility of following ones desires. For a layperson to acknowledge and fully appreciate the evidences, he must primarily understand Usul-ul-Fiqh (legal principles), the Furoo (subsidiary cases), the procedural framework of inferring laws, the various scholarly opinions on that particular subject and the principles of reconciliation between conflicting and contracting evidences. These domains are not accessible to the laymen, hence, he is to resort to the principles and opinions of an expert – a mujathid.

### **Taqleed and Ittiba**

Advocates of the abandonment of Taqleed generally assert that they do Ittiba as opposed to Taqleed. They argue that Ittiba is following an expert with recognition of the evidences as opposed to Taqleed which implies blind following without knowing the evidences. This argument is futile and baseless because as we indicated previously, Taqleed does not mean to blindly follow anyone. It is merely reliance upon the opinion of an expert jurist with evidence and proof. This system cannot be managed by a person without proper qualifications. In essence Ittiba and Taqleed are the same thing.



## **Classification of Texts**

All proofs and evidences contained in textual sources are not of the same category. Injunctions of the commands and prescriptions vary between each other, depending on their nature. Not every command is clear and simple as working out a basic equation of 2+2

There are two major classifications of evidences;

- 1) Those textual evidences that are categorical and render no other possible interpretation apart from one. For instance, the fundamentals of belief, obligations (like Salah, Zakah....) and prohibition such as consumption of wine, fornication etc.

Ijtihad is not required in this category since matters pertaining to this type are clear and categorical, for instance, the command to establish Salah, give Zakat and so on. The connotation of the term Salah is categorical, implying only one single interpretation which is to carry out a specific mode of worship, five times a day. Giving any other interpretation apart from this, would render it invalid and unacceptable.

- 2) Those textual evidences which are non-categorical. Such texts require extensive research and critical analysis by a specialist in order to arrive to a conclusion which he deems as closer to the truth. This relates to the elaborative discourses of juristic cases. This category allows no scope for other possible interpretations since it involves one exerting every intellectual ability. It is inevitable that the conclusion of one Mujtahid will differ from the other, because not every Mujtahid will differ from each other, because not every Mujtahid employs the same methodology of inference as the other. Differences of opinion in this category are therefore probable and tolerable.

Below is an overview of non-categorical types of evidences;

- 1) Ambiguity in words.
- 2) Words having multiple meanings with the impossibility of applying all of them simultaneously.
- 3) Amr (imperative) and Nahi (prohibition) have various connotations. For instance, imperative commands (amr) could imply obligation, recommendation, concession and so on. The

Mujtahid needs to determine the nature of that imperative command by analysing the context in which it is mentioned.

- 4) Two conflicting Hadeeth which require the mujtahid to resort to the principles of resolving conflicting proofs.
- 5) No clear ruling of a legal matter is found in the textual sources, so the Mujtahid exerts all effort in searching for a precedented ruling from the textual sources that are similar to the contemporary one. Once he identifies the similarity, he will then transfer the precedented ruling to the contemporary one. However, the deductive method of one Mujtahid may be different from the other, resulting in both of them reaching to a different conclusions.

Example:

- 1) Imam Shafi and Imam Abu Hanifa had different understandings of the order of Wudhu. Imam Abu Hanifa believed it to be a sunnah to do wudhu in the sequenced order. However, Imam Shafi believed it to be Fardh to do whudhu in a certain order. This is because they had different understandings of the Quran Verse.
- 2) In relation to the timings of Salah, the Messenger of Allah described the expiry of Maghrib time to be the disappearance of the Shafaq. However, Shafaq implies two meanings; the first meaning implies the disappearance of the redness in the sky snf the second meaning implies the disappearance of the redness and the whiteness that follows (when the horizon become completely dark).

Imam Shafi and others have adopted the first meaning, the disappearance of the redness in the sky. However, Imam Abu Hanifah has preferred the latter meaning, that is, the disappearance of both the redness and the whiteness.

The subsequent differences that follows from this are from this instance, if a person performs his Isha Salah whilst there is whiteness effect in the horizion would his Salah be valid? According to Imam Shafi his Salah will be valid because Maghrib time has expired. However, Imam Abu Hanifah opines that his Salah will not be valid because Maghrib time has yet not expired.

- 3) An example of two conflicting evidences, both of which are equally authentic, is the issue of marrying during the state of Ihram. All of

the imams unanimously agree that to consummate during the state of Ihram is prohibited and violates the sanctity of Ihram. However, is it permissible to just have the Nikah performed whilst in the state of Ihram.

Imam Shafi'ee views that it is not permissible to marry whilst in the state of Ihram. This is based upon the Hadeeth reported by Imam Muslim in his Saheeh that the Messenger of Allah said, "A Muhrim should not marry, nor to be married and neither proposed to."

Imam Abu Hanifah views that it is permissible to marry during the state of Ihram. His evidence is the hadith recorder by Imam Bukhari and Imam Muslim in their Saheeh, that the Messenger of Allah married Sayyiduna Maimoonah whilst in the state of Ihram and consummated after they both finished Umrah and were out of the state of Ihram.

These three examples illustrate some of the complexities involved when interpreting and inferring rules from the source of the Shariah, despite the evidences being rigorously authentic. There are literally hundreds upon hundreds of examples in the sunnah, in respect to the elaborated discourse of the Islamic Law such as purity, Zakat, fasting, Hajj, marriage, divorce, Islamic finance and so forth, in which the four great Imams have differed. The discussion of each subject area is extensive and exhaustive that requires a life time commitment in attempting to analyse the evidences of the opposing views between the scholars with their juristic principles, Usul-ul-Fiqh (legal principles) and criteria of preferences and thereafter to draw a decisive and cohesive conclusion.

It is in this respect that we choose to adopt Taqleed – adherence to one of the four madhabs. Each legal school comprises of reputable jurists and experts in their own right who have dedicated a significant portion of their life to the field of refining and distilling the Shariah for the subsequent generations of the Ummah. It is the refinement process and systemisation which facilitates the Ummah to practise their deen. So, in essence, the prime objective of every muslim, which is to follow the command of Allah and his Messenger is attained by resorting to one of the four Madhabs.

### **Taqlid in Hadeeth**

- 1) Sayyiduna Hudhaifah relates that the Messenger of Allah said: "I do not know how long I will remain with you, so follow these two people after me; Abu Bakr and Umar." (Tirmidhi)
- 2) The Messenger Of Allah is reported to have said in regards to Sayyiduna Abdullah Ibn Masood. " I am pleased with you for what the son of Umm Abd (Abdullah Ibn Masood) is pleased with you." (Mustadrak)
- 3) The messenger of Allah sent Sayyiduna Muadh to Yemen as a governor and a teacher. The Messenger of Allah posed certain questions to ascertain his method of judging between people. He began by asking how he would judge if a matter was presented to him. Sayyiduna Muadh replied, "With the book of Allah." He asked, "What if you don't find it in the book of Allah?". He replied, "Then from the sunnah." He asked, "What if you don't find it in the Sunnah?" He responded, "Then I will apply Ijtihad." The Messenger of Allah patted him on his chest (as a gesture of ratification) and remarked, "Praise be to Allah who has enabled the messenger (Muadh) of the messenger of Allah, for that which Allah is pleased with."

(Abu Dawood)

In the first hadith, the messenger of Allah instructed the companions to follow Hadhrat Abu Bakr and Hadhrat Umar in matters pertaining to the deen. Following them is tantamount to following the messenger of Allah in all religious affairs. Both of these esteemed individuals were Khaleefahs and possessed the competency of Ijtihad and are reported to have solved many judicial matters during their time. The fact that they were in a position of issuing legal verdicts and the masses followed their legal opinion, evidently suggest the importance of resorting to experts in matters relating to legal opinions.

Sayyiduna Abdullah Ibn Masood was sent as a teacher for the people of Kufa in Iraq during the reign of Hadhrat Umar and Sayyiduna Muadh was sent to Yemen during the time of the Messenger of Allah as a governor and teacher. When both were sent to their respective provinces to teach people, the community entrusted their religious affairs to them and exclusively relied upon their legal verdict. Both companions

were possessors of immense knowledge in their own right. The prophet (PBUH) referred to Hadhrat Muadh Ibn Jabal as the possessor of the knowledge of Halal and Haram and about Hadhrat Abdullah Ibn Masood, bequeathed to his companions to accept whatever he says to be true.

To illustrate this point further, Aswad Ibn Yazeed relates, “Muadh Ibn Jabal was sent to us as a teacher and a governor to Yemen. We enquired from him about a man who has passed away and left behind his daughter and his sister (the manner in which the wealth will be distributed between them). He gave half (of the estate) to the daughter and the remaining half to the sister.” (Bukhari)

Regarding Sayyiduna Abdullah Ibn Masood, Imam Bukhari records an incident in his Saheeh that once some people approached Sayyiduna Abu Musa Al- Ashari enquiring about an issue related to inheritance. He answered their query but referred them to Sayyiduna Abdullah Ibn Masood (to seek confirmation of his answer). When Sayyiduna Abdullah Ibn Masood responded to their query, they discovered that his response was different from the answer of Sayyiduna Abu Musa. They reapproached Sayyiduna Abu Musa to inform him of his fellow Companion’s answer. Upon hearing Sayyiduna Abdullah’s answer, he remarked, “Do not ask me anything as long as this great scholar (Abdullah Ibn Masood) is present amongst you.”

The preceding evidences make it clear that the practise of adhering to the Fatwa of an expert and relying on their expertise, without the need of demanding evidence has existed since the first generation of Muslims. This approach is in actual fact similar to Taqleed Shaksi.

- 4) The Messenger of Allah (PBUH) said, “Verily the cure for Ignorance is to question.” (Abu Dawood).

The wording of the above hadith suggest to every common reader that the most appropriate and correct approach to seeking knowledge and dispel ignorance is to question, but questions must be posed to those who are considered experts in their respected fields. Neither passing a judgement without prior investigation of the matter, nor consulting those in positions of authority is a grave sin. The messenger of Allah

(PBUH) would reprimand and disapprove those passing judgement without sound knowledge or without consulting the people of knowledge. This is clearly demonstrated from the background incident that occurred which caused the Holy Prophet to make the above statement.

Sayiduna Jabir relates, "We went on a journey and one of the comrades amongst us was struck with a rock that injured his head (severely). He had a wet dream (which required him to perform Fardh Ghusl). However, due to excruciating pain of the wound he was unable to perform ghusl. He consulted some companions to seek for the dispensation of Tayammum (dry ablution). They replied, "We are unable to find any dispensation for you because you are able to use water." The companion thus performed ghusl and died (as a result of this). When we came to the Messenger of Allah (PBUH) and informed him of this account, he remarked (as though he was angry), "They killed him, may Allah destroy them! Why did they not ask if they did not know? Verily, the cure for ignorance is to question. It would have sufficed him if he had done a dry ablution and kept his wound bandaged." (Baihaqi)

Despite the fact that the Companions issued a ruling based on their understanding, the Messenger of Allah held them responsible for the tragic death of their comrade because of not consulting the matter before hand and failing to understand the matter properly. The notion of "Do it yourself" or 'seek your answer from the Quran and Sunnah' is refuted by this single incident. If this attitude will not lead to misapplications of the divine laws then what will it not do?

### **The existence of Taqleed Shakshi during the era of the Sahaba**

- 1) Ikrimah relates that (during the season of Hajj) a group of people from Madeenah enquired from Ibn Abaas, the ruling regarding a woman who starts to menstruate during the first Tawaf (prior to the final tawaf). He said that she is permitted to go home without completing the final Tawaf. The people of Madeenah remarked, "We shall not prefer your opinion over the opinion of Zaid Ibn Thabit." (Bukhari). In another narration recorded in the Musnad of Abu Dawood Tayalisi, reported from Qatadah (a Tabiee Scholar), the words used

were, “We will not follow you, O Ibn Abbas as you go against the opinion of Zaid.”

The above is a clear illustration of strict adherence to the opinion of a reputable jurist whilst leaving the opinion of another equally reputable jurist.

At this point, it can be shown that the companions of the prophet followed a reputable source and ruling. This is apparent from Ibn Qayyim’s statement: “It is said that Ibn Umar and a group of those who lived after him in Madinah amongst the companions of the Messenger of Allah’s statements.” (I’lamul Mooqi’een volume 1, Page 17)

This is the practise of Taqleed Shakshi, so if this was the case during that era, referred to as the golden era of Islam, then how important is it for the Muslims today to adhere to one of the 4 accredited schools.

- 2) Amr ibn Maimoon Al- Awdai, a tabiee, relates, “Muadh Ibn Jabal came to us in Yemen as a messenger of the Messenger of Allah. I heard his takbeer during Fajr and noticed the deepness of his voice. I began developing a keen interest towards him so i remained in his company and did not leave him until I buried him in Syria. I then began searching for the most knowledgeable person after him and thus, came to discover Abdullah Ibn Masood (to be the most knowledgeable). So I remained in his company until he died.” (Abu Dawood)

Intriguingly, in spite that there were many prominent Companions existing, the narrator relates his strong attachment to a certain individual companion for gaining Islamic knowledge and relying on their Islamic scholarship. Any student of deen choosing to seek knowledge from an individual teacher, like in this case, would give preference to his teacher’s view and interpretation of the sacred Islamic laws over others, due to his prolonged attachment with that

teacher. In the similar manner, a Muqallid (follower) adheres to a particular school of thought and their methodological framework of interpretation of the juristic laws. He thus, prefers their qualified scholarship over others.

### **Evolution Period of Taqleed**

The practise of Taqleed-Shaksi can be retrospectively be traced back to the era of the Sahabah and the Tabieen. In actual fact, this was the path of the Salaf (pious predecessors). This goes to show the salaf did taqleed.

After the demise of the Holy Prophet (PBUH), the companions advance beyond the Arabian Peninsula and conquered the territories of the Persian and Roman Empires. Within a period of thirty years, the Muslims conquered the region of Sham (Levant), Egypt, Iraq, Iran, North Africa and the Persian Gulf as well as other surrounding provinces, all of which became part of the extended Islamic empire. Consequently, a significant number of the Sahabah dispersed throughout the conquered lands and took residency there whilst many chose to remain in Makkah and Madinah. Many of them took positions of authority and governed certain regions for instance, Sayyiduna Amr Ibn As governed the entire Egypt. Sayyiduna Muawiyah governed the entire Sham and so on. In addition to political administration, many also assumed roles of teachers and imparted Islamic Knowledge to the local citizens. Subsequently, they became legal consultants as well as political leaders for those local people.

Allah does not burden a soul more than it can bear so why should laypeople have the burden of interpreting Hadith and Quran themselves? As well as this, the Sahaba did taqleed and it is in the Quran that 'if you believe like how they believed, you shall surely be guided' and the Hadith of Rasulullah (PBUH) that 'my companions are like stars, whichever one of them you shall follow you shall surely be guided.'

Through the companions acquired their knowledge directly under the tutelage of the Messenger of Allah, they differed amongst themselves in



the detailed aspects of Islamic Law, especially in those instances where no clear textual evidences were to be found.

Example: The quran states that a woman who becomes widowed whilst not being pregnant must observe a waiting period of four months and ten days instantly after the demise of her husband. However, the Holy Quran also recalls in another place that the waiting period of a pregnant woman is until she delivers her child, irrespective of the duration period that remains for her delivery.

So in a hypothetical situation, if a woman's husband dies whilst she is carrying a child then which of the above two waiting periods must she observe; four months and ten days or until delivering the child?

Sayyiduna Ali viewed that she will observe the two periods in order to incorporate both commands. Hence, if pregnancy is the longest of the two periods then she must observe the waiting period of pregnancy. If not then four months and ten days. However, Sayyiduna Abdullah Ibn Abbas viewed that the verse of pregnancy is a generic command applying to all instances, thus if she is pregnant, her period will expire the moment she gives birth irrespective of whether she delivers the child in less than four months and ten days, after her husband's death.

This is an example of two profound and knowledgeable companions differing in regards to a Quranic injunction. This reflects on their different level of understanding and interpreting the Islamic law based on sound reasoning. Other reasons of differences amongst the Companions include, identification of the illat (effective cause), acceptance of hadith, application of hadeeth whereby one companion applied it in one instance whilst another companion applied it elsewhere, whether a command is abrogated or not and also, different location. Each of the above reasons require an extensive discussion which is beyond the scope of our discussion.

Another example of differences amongst the companions is the distribution of the conquered lands in Iraq and Syria, whether they should be distributed amongst the Muslim soldiers as spoils of war or remain in the possession of their respective owners. This required extensive Ijtihad and critical analysis in searching for a precedented example from the Quran and Sunnah. The Quran only instructs one-fifth

of the spoils of war to be allotted for the poor and destitute, but has remained silent about the distribution of the remaining four parts. This issue led to two groups:

The first group viewed that they should be included as part of the spoils of war, thus the Muslim soldiers should receive a share of those lands. Amongst those who opined this position were Sayyiduna Abdur Rahman Ibn Auf and Sayyiduna Bilal. Their supporting evidence was that in the fourth year after migration, the Messenger of Allah distributed the lands belonging to the Banu Nadheer (a Jewish tribe living initially residing in Madinah) after evicting them from Madinah because of their treason. After assigning one fifth of the share for charity, according to the Quran (8:41), the Messenger of Allah distributed the remaining four parts between the Muslim soldiers. Two years later after this incident, the land of Khaybar was conquered in which the Messenger of Allah distributed some parts of the lands between the Muslim soldiers.

On the other hand, the second group which included Sayyiduna Umar, Sayyiduna Uthman and Sayyiduna Muadh Ibn Jabal opined that those lands should remain in the possession of the land owners and not be distributed as part of the spoils of war. Their supporting evidence was that in the eighth century after migration, the Muslims conquered Makkah, but without any major confrontation or encountering with the enemy. The messenger of Allah (PBUH) did not distribute their lands amongst the Muslim soldiers and allowed those lands to be retained by their owners. Furthermore, the Messenger of Allah (PBUH) allowed some portion of the land in Khaybar to remain in the hands of their owners after its conquest. This suggests that it is not mandatory for the leaders to dispense the remaining four parts amongst the soldiers. If he wants, he may allow the landowners to retain the land.

From the foregoing example, both groups of Companions referred to the same Quranic Verse regarding the spoils of war but reached to two different conclusions. Each group interpreted it in accordance to their observation and understanding from the practise of the messenger of Allah (PBUH).

This discussion illustrates that the companions of great scholarship exercised Ijtihad in new cases by resorting to the Quran and Sunnah in

search for similitude examples. Consequently, this lead them to differ amongst themselves in legal matters since each Companion concludes with a ruling based on his personal investigation, interpretation and analysis. Such differences, paved the foundation for Ijtihadic differences in non-textual and unclear matters in the subsequent generations.

By the end of the second era, two interpretive schools were ingrained; the first being the school of hadith in Madinah and Makkah pioneered by Companions such as Sayyiduna Abdullah Ibn Umar, Sayyiduna Abu Hurairah and others and the second one being the school of Ijtihad which reigned in Kufa, pioneered by Sayyiduna Abdullah Ibn Masood, Sayyiduna Ali and other companions who took residency in Iraq.

In contrast to Madinah and Makkah, the companions living in Iraq encountered innumerable complex issues which they had never ever faced before, such as the example above, requiring them to exercise extensive Ijtihad. These complex issues included new cultures, influx conversion of non-Arabs into Islam, emergence of deviant sects and fabricators of Hadeeth and much more. Madinah and Makkah, on the other hand, were secured from such complicated matters because most of them were already solved during the lifetime of the Messenger of Allah and Sayyiduna Abu Bakr. Access to Hadeeth was much easier in Makkah and Madeenah and its transmitter required less scrutiny because of the widespread religiousness of people in these two vicinities.

As a result, the residence of these two regions relied heavily on the literal meaning of the Hadith and accepted Hadith from whoever related it to them. This is not to suggest that the Companions in Makkah and Madinah never employed Ijtihad, however in contrast to Kufa, their employment of Ijtihad was very rare. After the era of the companions, Iraq produced scholars of profound knowledge of Hadith and Fiqh such as Alqamah (the student of Abdullah Ibn Masud), Ibraheem an-Nakha'i, Hammad Ibn Abi Suleiman, Qadhi Shuraih (a judge appointed by Hadhrat Umar). These are just a few names of the elite personalities produced in Iraq. Their teachings and interpretation of the legal matters in religion served as the foundation of legal thought for the residents of Iraq, which was then collated and systemised by Imam Abu Hanifa and his students. The same thing was done in Medinah by Imam Malik and

his student Imam Shafi. Imam Ahmad Bin Hanbal also acted upon this. These group of scholars were part of the Tabieen (succesors of the Sahaba). They propagated the knowledge they acquired from the Sahabah. The companions differing in the detailed aspects of the Islamic Law inevitably led the successors to differ as well, which brought about many schools of opinion.

Initially, there were many schools of thought operating in other regions such as the Madhab Of Abu Layth in northern Iraq, Imam Awzaii in Syria, Imam Hasan al-Basri in Basra (Iraq) and many more. However, they did not enjoy the same privilege as that of the four major schools of thought did. Over the passage of time, the students of each of the four Imams began developing and transmitting their Ijtihadic principles to the subsequent generations. The subsequent students initiated the compilation of literalitures dealing with detailed juristic cases, relating to matters pertaining to every facet of human life, which encompassed the laws of purity, devotional matters, commercial finance, marriage, divorce, penal laws, inheritance and so on. Their legal theories were codified and served as an interpretive model for the Shariah sources.

### **The Period of Codification and the scholars adherence to one of the Four Imams**

The leading pioneers of each of of the four schools are:

1. Imam Abu Haneefah (b.80-d.150 AH)
2. Imam Malik Ibn Anas (b.93-d.179AH)
3. Imam Muhammad Ibn Idrees Ash-Shafiee (b150-d.204AH)
4. Imam Ahmad Ibn Hanbal (b.164-d.241 AH)

It is important to understand that the laws and rulings of each school of thought aren't based upon one person's individual opinion and perspective rather it is based upon a panel of elite scholars. It is said that Imam Abu Hanifa used to have a panel of around 80 scholars scrutinise and analyse each and every maslah (ruling). As well as this, some of Imam Abu Hanifa's students such as Imam Shaybani disagreed with him over certain rulings but the reality of the matter was that the Madhab was based upon Quran

and Sunnah and not the Imam's personal opinion. This is a common misconception amongst the salafis.

The period between the third and fourth century of the Islamic calendar marked the perfect movement of subsequent scholars to further develop, refine and preserve the juristic works by codifying and composing books of commentaries. The scholars eventually adopted their methodological framework and disseminated that legal framework and jurisprudence throughout the region they resided in. Many of the existing schools were gradually replaced by one of the four schools. Hence, the adherents to the Awzaii school of thought in Syria for instance, struggled to resolve new cases they borrowed laws from the newly developed Shafiee school. Similarly, adherents to the Basri school in Basra borrowed laws from the Hanafi School in Kufa to resolve newly emerging cases. In this way, the other schools ceased to exist and were replaced.

Scholars of great calibre in the subsequent generation attached themselves to one of the four schools and contributed to the preservation and expansion of their respected school. Each school comprised of hundreds and thousands of adherent scholars, each one being a grammar, Arabic linguistic and rhetoric or tasawuf. If a non muqallid (one who does not do taqleed) chooses to discard the credibility of the four schools by abandoning the adherence of one of them, under the pretext of strictly following the Quran and Sunnah. Then in my response to this, it could be argued that history has produced many calibre of scholars with great academic credentials who adhered to one of the four legal schools.

Some of the unquestionable scholars who practised Taqleed:

1. Imam Abu Easa At Tirmidhi (Shafii) was a Muhaddith.
2. Imam Yahya Ibn Maeen (Hanafi) was a Muhaddith.

3. Imam Bayhaqi (Shafii) was a Muhaddith
4. Imam Abu Jaafar At-Tahawi (Hanafi) – a muhaddith and a faqeeh.
5. Imam Fakhr ud-Deen Ar Razi (Shafii) – a Muffasir.
6. Imam Ibn Abdul-Barr (Maliki) – a Muhaddith.
7. Imam Abu Zakariyya An-Nawawi (Shafii) – a Muhadith and a faqeeh.
8. Imam Abu Bakr Jassas (Hanafi) – a faqeeh and a mufasir.
9. Imam Ibn Rajab (Hanbali) – a faqeeh
10. Imam Ibn-ul-Hummam (Hanafi) – a faqeeh.
11. Imam Abu Ishaq Ash-Shatibi (Maliki) – a faqeeh.
12. Imam Ibn Hajr Al-Asqalani (Shafii) – a Muhadith.
13. Imam Abdul-Abaas Al Qurtubi (Maliki) – a Mufasir.
14. Imam Badr-ud-Deen Al-Ayni (Hanafi) – a Muhadith.
15. Imam Jalal ud-Deen As-Suyuti (Shafii) – a Muffasir, Muhaddith and a master in almost every field.
16. Imam Ibn Rushd (Maliki) – a faqeeh.
17. Imam Adh-Dhahabi (Shafii) – A muhadith and an authority in Asma-ur-Rijal (critical analysis of the narrators in the chain of transmission).
18. Imam Ibn Qudamah (Hanbali) – a faqeeh.
19. Imam Abu Hamd Al Ghazali (Shafii) – a Saint, Faqeeh and Theologian.
20. Ibn Abideen Ash Shami (Hanafi) – a faqeeh.
21. Ibn Katheer (Shafii) – a mufassir and a muakhir (historian).

Evil desire is one of the most influential and momentous force that constantly provokes and lures man into sin. In a lengthy Hadeeth recorded in Sunan of Ibn Majah, the Messenger of Allah prophesised that the following of desires would prevail and that every self-opinioned man will be obsessed with his own opinion. This obviously refers to that person who without any sound knowledge and proper qualification voices his own opinion on certain issues (related to Islam) and then becomes obsessed by it. In other reports, the prophet (PBUH) prophesised the emergence of a group who will

issue verdicts without sound knowledge. As a result, they will be misguided and end up misguiding others.

The egos and desires of a man is a powerful instrument which the devil uses to his advantage to destroy mankind. This can manifest in many forms, amongst of which is being selective in ones own deen by picking and choosing whatever he deems favourable. If a layperson is presented with conflicting evidences and opposing views of the scholars without acknowledging the evidences of both sides nor understanding the principles behind of preferring the strongest of the two conflicting evidences, he will inevitably succumb to his desires by selecting the most favourable position under the pretext of following the Quran and Sunnah.

The process in evaluating and processing hadith to be authentic or not is a meticulous process which is almost unfeasible to be undertaken within the 21<sup>st</sup> century due to the chain of transmitters increasing by the day. Furthermore, Mujtahid Scholars have differed in respect to accepting or rejecting a hadeeth since the criteria of one Mujtahid may differ from the others. So, will a non-Muqallid be able to choose the most correct position on this matter?

If he proposes the argument that he will follow the opinion of such and such a scholar then is that not Taqleed in essence? Would he question the credibility of the scholar and his way of interpreting the Hadith or his method of inference?

Another resort the non- Muqallid may choose is to be selective in his approach by taking the easiest of the options on the premise that all four Imams are correct. He will follow the Hanafi position in the intactness of Wudhu when touching a female and also the Shafii position in the intactness of the Wudhu with the flowing of blood. Conversely, if he performs Salah in this manner, then his Wudhu and Salah are considered invalid according to both Imams. Though he may argue his

case of following the Hadith or that all four Imams are correct, his standpoint on this matter has been dictated by his desires.

The final option available for him is to adhere to a particular Madhab that compromises of erudite scholars, specialised in various sciences and to follow their interpretive model and juristic principles which have been tried, tested and approved by scholars throughout centuries. In this way, his ego is controlled and will also follow Quran and Sunnah in a systematic and coherent manner.

The scholars of the past therefore issued a consensus for the general masses not equipped with the tools of Ijtihad to follow one of the four major schools of thought to prevent the deen from being misrepresented or employed to suite ones personal desires and satisfaction. Imam Shihab ud Deen An-Nafrawi (a maliki scholar) reports a consensus of all scholars that Taqleed Shakshi – following one of the four schools, is necessary; *“The consensus of the Muslims has been established upon the Wujub (obligation) of following one of the four imams today; Abu hanifah, Malik, Shafi and Ahmad, (may Allah be pleased with them). What we have explained before, in terms of the obligatory of following one of the four Imams, is in relation to those who do not possess the capability of performing Ijtihad.”* (Al-Fawakih Ad-Dawani, Volume 2 Page 574)

The Hanbali scholar, Imam Ala ud-Deen Al Mardawi cites the statement of the famous scholar Imam Al Wazeer Ibn Hubaira: “Consensus has been established upon Taqleed of one of the four schools and that the truth does not lie outside of them.” (Al-Insaf, Volume 11 p.169)

The four remaining schools of thought are the only surviving schools with the proper tools and correct instruments needed in order to understand the Quran and Sunnah. Muslims living in the west are responsible for representing and propagating Islam in its purest form. This is only achievable if one follows the teachings of the pious predecessors and appreciates their methodological framework. We can decipher that the first three eras are the greatest amongst the Ummah of the prophet as we are provided with this information through authentic hadith. In order to be the best you have to emulate the best. The ‘salafis’ claim to do this but it is evident that the creed of the true Muslim is



based upon following the Quran and Sunnah which is only correctly accessible and attainable through a Madhab.

Had there not been a consensus upon adhering to one of the four schools, there would have been hundreds of Madhabs by now. This would have then, opened a floodgate of more Madhabs and diversity within the Ummah. The Muslim community will thus have failed to present Islam in a coherent and pure manner. Following one of the four schools is what united the people together in the past. Irrespective of the differences of opinions that existed between them in jurisprudential matters, they were considered as valid differences.

The messenger of Allah (PBUH) himself ratified differences amongst the sahabah if the intention was to uphold the commands of Allah and his Messenger (PBUH) in its purest form. To give an example of this, once the Messenger of Allah commanded his companions to go to Banu Quraidah. Asr time was coming in and the companions disputed whether they should pray straight away or pray once they reached their destination. This incident has been discussed prior in the book. The sahabas ended up splitting into two groups and they both had differences of opinion. Neither of the two groups were reprimanded by the Prophet of Allah due to having valid points made by each group.

Each of the four Imams has an unbroken chain stretching back to the Prophet (PBUH). Although the four legal schools differed in legal issues, each one strove with sincere efforts in propagating what they believed was closest to the truth.

We can learn that following one of the four schools is necessary and to discard them is nothing but opening the doors of more diverse opinions, more confusion and discord amongst the Ummah

## **Statement of scholars on the necessity of Taqlid**

Below are some of the statements given by distinguishing scholars explaining the necessity of Taqlid, for a person who has not reached the level of Ijtihad. In spite of this, astonishingly, the salafis have started to oppose the salaf in this matter. They condemn its persistency and some have gone as far as rejecting its consensus amongst the scholars. This is nothing but due to sheer ignorance and lack of understanding.

Whenever, they are in need of a fatwa they often research it on the internet. Despite not even being able to read the Quran with decent Tajweed, they believe their own opinion to be sufficient.

The far-sighted scholars of the **Ahl al-Sunna** (those people who follow the teachings of the prophet **PBUH**) long ago understood how valuable these four schools were in safeguarding the Deen of Allah Almighty. So they issued a fatwa (legal verdict) that it was **necessary** for every Muslim to learn and adhere to one of the four schools.

**An incident regarding a very noble scholar is a predicament we can all learn from. Allamah Suyooti claimed Ijtihad within the 5<sup>th</sup> century. Allamah Shihab ibn hajar al haitami (974 AH) says: “When Imam Jalal Udeen Suyooti claimed Ijtihad, all his contemporaries confronted him. They presented a questionnaire to him about some issues. Therein, they stated two possible answers to each question, and said: “If you have even reached the lowest degree of Ijtihad, which is Ijtihad in fatwa, then you should stipulate the preferred view, substantiated with proof, in conformance with the maxims laid down by the Mujtahideen.**

**However, he returned their questionnaire without any answer, excusing himself that he was too busy, and as was therefore unable to look into these questions.”**

## **The Verdict Of The Ulama Of The Muslim World**

- 1) The famous Imam al-Haramayn Abu al-Ma‘āli Abd al-Malik bin Yusuf al-Juwayni (419-478 AH) writes in his book Al-Burhan: “The expert scholars have agreed that the masses are obligated (‘alayhim) with following the schools of the (four) Imams who thoroughly investigated and researched, who compiled the chapters (of Fiqh) and mentioned the circumstances of the rulings.” (vol. 2, P. 1146)

- 2) Shaikh al-Islam Ahmad Ibn Hajr al-Haytami writes in Tuhfa al-Muhtaj fi Sharh al- Minhaj: "The claim the layman has no madh-hab is rejected, rather it is necessary (yalzamuhu) for him to do taqlīd of a recognised school. (As for the claim: scholars did not obligate following one school), that was before the codification of the schools and their establishment." (Vol.12 p.491-Kitab al-Zakah)
- 3) Imam al-Nawawi writes in Al-Majmu' Sharh Al-Muhadhdhab: "The second view is it is obligatory (yalzamuhu) for him to follow one particular school, and that was the definitive position according to Imam Abul-Hassan (the father of Imam al-Haramayn Al-Juwayni). And this applies to everyone who has not reached the rank of ijtiḥād of the jurists and scholars of other disciplines. The reasoning for this ruling is that if it was permitted to follow any school one wished it would lead to hand-picking the dispensations of the schools, following one's desires. He would be choosing between Halal and Haram, and obligatory and permissible. Ultimately that would lead to relinquishing oneself from the burden of responsibility. This is not the same as during the first generations, for the schools that were sufficient in terms of their rulings for newer issues, were neither codified nor widespread. Thus on this basis it is obligatory for a person to strive in choosing a madh-hab which alone he follows." (vol.1 p. 93)
- 4) Shaikh Salih al-Sunusi writes in Fath al-'Alee al-Malik fil-Fatwa 'ala madh-hab al-Imam Malik: "As for the scholar who has not reached the level of ijtiḥād and the non-scholar, they must do taqlīd of the Mujtahid... And the most correct view is that it is obligatory (wajib) to adhere to a particular school from the four schools..." (p.40-41, in Usul al-Fiqh)
- 5) Imam Sharani, an undisputed authority in the Shafi school writes in Al-Mizan al-Kubra: "... You (O student) have no excuse left for not doing taqlīd of any madh-hab you wish from the schools of the four Imams, for they are all paths to Heaven..." (p.55 vol.1)
- 6) Imām Shams al-Din Dhahabī (673-748 AH) writes in Siyar A'lam al-Nubalā under Ibn Hazm Zāhiri's comment: "I follow the truth and perform ijtiḥād, and I do not adhere to any madh-hab", "I say: yes. Whoever has reached the level of ijtiḥād and a number of imāms have attested to this regarding him, it is not allowed for him to do taqlīd, just as it is not seeming at all for the beginner layman jurist who has committed the Qur'ān to memory or a great deal of it to

perform ijtihād. How is he going to perform ijtihād? What will he say? On what will he base his opinions? How can he fly when his wings have not yet grown?” (Vol.18, Pg.191)

- 7) In the famous twelve volume Maliki compendium of fatāwā, Al-Mi'yar al-Mu'rib an fatāwā ahl al-Ifriqiyya wa al-Andalus wa al-Maghrib, Imam Ahmad al-Wanshirisi records the Fatwa on taqlīd: “It is not permitted (lā yajoozu) for the follower of a scholar to choose the most pleasing to him of the schools and one that agrees the most with him. It is his duty to do taqlīd of the Imam whose school he believes to be right in comparison to the other schools.” (vol.11 p.163-164)
  - 8) The Hanbali scholar Imam ‘Ala al-Din al-Mardawi in his major Juristic compendium Al-Insaf, cites the statement of the famous scholar Imam Al-Wazir ibn Hubaira (died 560 ah):“Consensus has been established upon taqlīd of every one of the Four Schools and that the truth does not lie outside of them.” (Vol.11 p.169, Dar al-Kutub al-‘Ilmiyyah).
  - 9) Imam Badr al-Din al-Zarkashi states in Al-Bahr al-Muhit,“There has been established a consensus amongst the Muslims that the truth is restricted to these (four) schools. This being the case it is not permitted to act upon an opinion from other than them. Nor is it permitted for ijtihād to occur except within them (i.e. employing their principles that is the tools of interpretation).” (vol.6 p.209)
  - 10) In the commentary of the Shafi text Jam‘ al-Jawami‘, Imam Al-Jalāl Shams al-Din al-Mahalli writes:“And the soundest position (wal-Asahh) is that it is obligatory (yajibu) for the non-scholar/layman and other than him of those (scholars) who have not reached the rank of ijtihād, adherence of one particular school from the madh-habs of the Mujtahid Imams (iltizam madh-hab Muayyan min madāhib al-Mujtahideen) that he believes to be preferable to another school or equal to it.” (Kitab al-ijtihād, p.93)
  - 11)
- [11] Imam Rajab al-Hanbali writes in his book: “Refutation of anyone who follows other than the four schools” [A title that emphatically exposes the deception of the Salafi claim that it is they who represent true Islam]:“...that is the Mujtahid, assuming his existence, his duty

(Farduhu) is to follow what becomes apparent to him of the Truth. As for the non-Mujtahid his duty is taqlīd.” Elsewhere having indicated in the latter the rarity of the lofty status of ijtihād, he states: “As for all other people who have not reached this level (of ijtihād), it is not allowed (lā yasau‘hu) for them but to do taqlīd of these Four Imams and to submit to that which the rest of the Ummah submitted to.” (Majmoo‘ al-Rasail Ibn Rajab, vol.2 p. 626 and p.624 respectively).

- 12) In the famous commentary of the treatise of Imam Ibn Abi Zayd al-Qayrawani Al-Risalah, entitled “Al-Fawākih al-Dawāni,” Imam Ahmad al-Nafrawi (died 1126 ah) also confirms the Ijma of all the scholars that following one Imam is obligatory: “The consensus of the Muslims has been established upon the obligation (Wujub) of following one of the four Imams today; Abu Hanīfa, Malik, Shafi and Ahmad- May Allah be pleased with them...” What we explained before, in terms of the obligation of following one of the four Imams, is in relation to those who do not possess the capability of performing ijtihād.” (vol.2 p.574, Bab Fi al-Ruyah wa al-Tathāub, 1997).

It is also important to understand and contemplate over the fact that each and every madhab has a strong respect towards one another. For instance, all madhabs are of the opinion that they are right with the chance of being wrong and the madhabs which they are not corresponding with are wrong with the chance of being right.

### **Hadith and Fiqh**

One of the most common posed arguments against the concept of Taqlid is that if there is Saheeh (authentic) Hadith, then what reason is there to follow a Madhab? They often argue that one attains more closeness to the Sunnah by resorting directly to authentic hadith as opposed to following a Madhab because Hadith is infallible as opposed to the Imams who are fallible.

A careful analysis of the above arguments suggests that people have no true understanding of the science of the Hadith and the methodological framework of the scholars of the past. As a result of this they tend to view Islam as a plain black and white; that everything is clear, therefore, therefore Islam will be easier just by following Saheeh Hadith. The reality of the matter is, that Islam Law is much more

complex than what they assume it to be. Had Islamic Law been easy and simple then diverse opinions amongst jurists would not have risen in the first place. Let alone the jurists, the sahabah would not have differed. They are compilations of hadith books which deal with differences amongst hadeeth for example: Sharhul Maani Al Athar of Imam Jaafar At-Tahawi.

Scholars have explicitly stated that a Hadith to be rigorously authentic is not only a condition for its practice; application and so forth must also be considered. There are many sound Ahadith to be found in the Hadith collections but cannot be acted upon. For instance, there is a hadith which mentions that Wudhu breaks by touching anything that is cooked on fire. Though the Hadith is rigorously authentic, the scholars unanimously agree that this ruling is now abrogated and no longer suitable for practice because of the Hadith in which the prophet (PBUH) once consumed goat meat (cooked on fire) and thereafter performed Salah instantly without going to do Wudhu.

Shaykh Muhammad Al Awammah, a renowned Syrian Muhaddith explains what is meant by acting upon an authentic Hadith is that it must be suitable for practice. In addition to a critical assessment of the chain of transmitters and text, other factors must be taken into consideration such as the inference of laws (abrogation) and so on, as opposed to the popular notion that the soundness of the chain is sufficient for its practice to be necessary, (Atharul Hadeeth fi Ikhtilafil Aimahatil Fuqaha {URDU VERSION} page 98)

In determining the suitability of practice, one must primarily be insightful in the meaning of Hadith which is achievable only by acquiring the knowledge of Fiqh. Fiqh ensures the texts are contextualised and practice properly. Shaykh Al Awammah quotes some of the renowned Muhadithoon and Fuqaha explaining the necessary relationship between Hadeeth and Fiqh. It is said that once a Sahabi visited Kufa and found there to be 4000 Muhadiths and 400 Faqeehs. This goes to show Fiqh is a very meticulous process only suitable for certain people. Fiqh serves as a supplementary guide towards understanding and practising upon hadeeth;

1. Abu Naeem relates from Abdur Rahman Al-Mahdi (titled the leader of the believers in Hadith), "No person is worthy of leadership in Hadith until he is able to distinguish between authentic and non-authentic reports, inferable and non inferable reports and know where the knowledge was acquired from."
2. Imam Muzani (a renowned Shafiee scholar) states, "May Allah show mercy on you, ponder over the Ahadith which you have collated. If you acquire knowledge from the jurists, then you will be amongst the Fuqaha (Jurists)."
3. Imam Malik said, "Practise upon Hadith the way the Fuqaha have practised on it."
4. Sufyan Ibn Uyayna states, "Hadeeth can become a means of misguidance for people except for the Fuqaha."
5. Raja Al-Harawi states, "Whoever learns Hadeeth without Fiqh is like a pharmacist who ammasses medicine without knowing which applies to it, until the physician comes. Thus he remains a student of Hadith and does not know the application of the Hadith until a Faqeeh comes."

All of the above statements imply to the fact that Fiqh plays a vital role for explaining Hadith in terms of its correct application and the manner it ought to be practised. Thus, determining the practise of Hadith to become necessary solely on the basis of the soundness of the the chain of transmitters is inadequate. Another reason why it is insufficient to consider the practising upon a Hadith as mandatory solely based on the soundness its chain is that there are instances where two or more authentic reports conflict with one another. One must be acquainted with the science of conflict resolution in Hadith, sn independent discipline which only the Fuqaha possess.

For example, should we drink water standing up or sitting down.

1. Sayyiduna Nizal Ibn Sabura once came to the door of Habba and drank whilst standing and he said, "Verily I saw the Messenger of Allah (PBUH) do the way you have seen me do." (Bukhari)
2. Sayyiduna Abdullah Ibn Umar relates, "We would eat during the time of the messenger of allah (PBUH) whilst walking and we would drink whilst standing." (Tirmidhi)

3. Amr Ibn Shuhaib relates from his father (Shuhaib) who relates from his grandfather (Sayyiduna Abdullah Ibn Amr Ibnul As) that, "I saw the Messenger of Allah (PBUH) drinking whilst standing and also sitting." (Tirmidhi)
4. Sayyiduna Anas Ibn Malik relates the Messenger of Allah (PBUH) forbade that a man drinks whilst standing.  
Qatadah (a Tabiee) states that we enquired from Sayyiduna Anas about eating (whether standing up and eating is permissible)? He replied, "That (eating whilst standing) is asharr (far worse) and akhbath (immoral)." {Muslim}.
5. Sayyiduna Abu Hurairah relates that the prophet (PBUH) said, "No one amongst you should drink whilst standing. But whoever forgets, then he should vomit." {Muslim}.

All of the above Ahadith apparently conflict with one another in spite of the soundness of their chain of transmitters. Hadith 1 and 2 permit drinking water whilst standing. Hadith 3 permits drinking water whilst standing and sitting. However, hadith 4 and 5 prohibit one from drinking water whilst standing. The complexity involved at this stage is whether reconciliation between the conflicting reports is possible or not, and if so then on what basis will it be done? Or whether in such instances the jurist will leave aside an authentic report in favour of another authentic or an external evidence. This is one of the many reasons as to why we shouldn't interpret hadith ourselves. In cases like this, one is now compelled to resort to the works of the classical Fuqaha to seek answers. The principle which the Hadith scholars employ to resolve contradictory reports have themselves been established by the four Imams, but differ in their respective method and approach.

When two hadeeth conflict with each other, the matter becomes ambiguous and opened to more than one interpretation. It is in these matters that Taqleed of a legal jurist is made and not in following any random person. It is made by following religious experts who are also righteous and pious. The fact that the vast majority of the Ummah in the past adhered to one of the four schools and the statements of some (amongst many) distinguishing scholars about following a particular



school, establishes the need for the ummah to adhere to one of the four schools of thought today.

A final point to mention is the question of infallibility. Undoubtedly, the four Imams are fallible in comparison to the Messenger of Allah (PBUH). However, considering their level of scholarship and expertise and the fact that thousands of scholars throughout centuries followed an Imam and adopted their interpretation model of the Shariah, does that not make them infallible in comparison to today's individuals or minority advocates of the abandonment of Taqleed? What guarantee can such advocates give that their method of understanding the Quran and Sunnah and its application is more robust and rigorous compared to the four schools? Such advocates paint a false contrast between the Messenger of Allah (PBUH) and the four Imams as there is no comparison to be made in the first place. The actual contrast is made between the adherents and non-adherents of a Madhab.

In this way, one shall find that adhering to one of the four schools makes one's practise of religion easy and much more systematic. Apparent contradictions between reports become resolvable by simply following their respective Imam's principle and legal interpretation. On the other hand, abandoning the four madhabs and then attempting to formulate another legal framework of interpreting the Shariah sources is like re-inventing the wheel, a process that requires decades of commitment and even worse, opens an influx of more schools of thought and diverse opinions.

### **Following only one school**

Another view that is propagated by some is, why not follow all four schools simultaneously by selecting the soundest opinion? This argument is based upon the verse in the Quran – *“Ask the people of remembrance if you don’t know.”* (21:7), which permits following the scholars in general, hence does not restrict one to follow one Imam. They then argue that if the view of all four scholars are accepted by the majority of the Ummah and it is accepted that all four are on the truth, then why restrict to one Imam only?

Undeniably we regard all four schools to be on the truth, based on their research methodology of inferring rulings from the Shariah sources.

However, if a layman under this pretext, begins selecting views randomly from here and there, then the question posed on to him is, on what basis has he chosen to act upon the view of this particular Imam in this matter only? He has not reached to the status of Ijtihad nor is he equipped with the science of Hadith. Far from being an authority in Hadith, he is ignorant of the principles of the grading system in Hadith. It thus follows, that being selective between Imams without sound knowledge will ultimately lead towards acting upon whatever conforms to his desires.

Another argument the Salafis use is the statement of Imam Abu Hanifa, “When a Hadith is authentic then that is my Madhab.”

This above statement apparently suggest to prefer Hadith over the statement of the Imams at all times, Hence, if the fatwa of an Imam conflicts with an authentic Hadith then simply cast his fatwa aside and practise upon the apparent meaning of the Hadith.

Nevertheless, two things have already been made clear from our previous discussion; firstly, the one who has attained the status of Ijtihad and is deeply rooted in the science of Hadith can determine whether a Hadith is suitable for practise or not. Secondly, it is not always possible to strictly follow authentic Hadith because at times, there are other authentic Ahadith that will simultaneously contradict it, or the Hadith may not be suitable for practise due to certain reasons.

The above statement has been attributed to Imam Abu Hanifa as well as other Imams also. But unfortunately, it is frequently quoted in a decontextualised manner and reiterated by the non-advocates of Taqlid.

Remember, that when Imam Abu Hanifa issued this statement, he was not addressing the general public or the laypeople. He was specifically addressing the Mujtahids and scholars rooted in the science of Hadith and Fiqh. He was actually attesting to the fact that his research and legal framework was in full conformity with the principles of the Quran and Sunnah. His conclusion and findings were actually based on sound evidences. So by framing his statement in another way, it is as though he is stating, "In my Madhab, you shall find authentic Hadith." It also implies that if a Hadith is later discovered and fulfils the criteria for its soundness and practise according to me, then include that as part of my Madhab also.

Allamah Ibn Abidin Ash-Shami, after quoting the above statement of Imam Abu Hanifa's comments, said, "It is no hidden matter that this (expression) is directed at those who are qualified to analyse the texts and recognise the applicable laws from the abrogated ones. When the scholar of the Madhab analyses the evidence and acts upon it, it will be correct to attribute that (practise) to the Madhab due to the permission granted by the Imam." (Raddul-Muhtar, Volume 1 Page 67)

Imam Shafi also made the same statement that (when a Hadeeth is authentic then that is my madhab).

Ibn Katheer said regarding this that "It is a sign of his mastery and trustworthiness, which was also the way of his brother Imams, may Allah have mercy on them and be pleased with them. (Tafseer Ibn Katheer, Volume 1 Page 654)

Imam Nawawi (a renowned Shafii scholar) further adds the condition of researching the Madhab of the school before preferring Hadith over the statement of the Imam. He mentions, "What Imam Shafi said does not mean that anyone who finds a Hadith should say, "This is my Madhab of Imam Shafi, applying the apparent of his statement. What he said most certainly applies to those ranked to the status of Ijtihad in the Madhab. It is a condition for the person to be firmly convinced that either Imam

Shafii (or any other Imam in this respect) was unaware of the existence of the Hadith or its authenticity. This is only possible after having researched all the books of Imam Shafii and other similar books of his companions who took knowledge from him and others similar to them.” (Al Majmu Sharh al-Muahadhab Volume 1 Page 64)

If an Imam doesn't act upon a hadith, it doesn't necessarily mean the hadith didn't reach him. Rather it is possible that the hadith was not sound according to him – it was abrogated, restricted to a particular instance or it was muqayyad (qualified).

This can be illustrated with two examples:

- 1) Imam Awzaii once approached Imam Abu Hanifa during Hajj objecting as to why he discarded the practise of Raful Yadain (raising the hands before and after Ruku)? Imam Awzaii narrated the hadith of Raful Yadain with his own chain of transmission. Imam Sahib then narrated his hadeeth of the non practising of Raful Yadain, not only with his own chain of transmission but also established his chain to be more superior than Imam Awzai's chain of transmission. (ila us Sunan Volume 3 Page 75)
- 2) Imam Abu Yusuf (a prominent student of Imam Abu Hanifa) as well as a Mujtahid in his own right, states, “I have not seen anyone with insightful knowledge of the meaning of Hadith and its application in jurisprudence than Imam Abu Hanifa.” He further adds, “Whenever I opposed him and then contemplated over the matter, I would see his position which he adopted to be the most redeeming position in the Hereafter. Whenever I was inclined towards Hadeeth, he would have a deeper insight with authenticity of Hadith than me.”

To determine a Hadith to be suitable for practise is part of the process of Ijtihad, which requires thorough background research and critical analysis of the textual report as well as the transmitters in the chain. A scholar will strive to act upon what he deems closer to the truth. Each scholar will determine the status of a Hadith based on his own criteria, resulting in differences of opinion in the suitability of a hadeeth; one might consider a hadith to be suitable for practise whilst another may not.

To give an example of differences in criteria, Imam Abu Hanifa only accepted if the narrator of a Hadith transmitted that Hadith in the exact verbatim way he heard it from his teacher. He is not permitted to make any additions to the wordings of the Hadith. His argument was that making additions to the original text of the hadith will inevitably alter the meaning of the words of the Messenger of Allah (PBUH), hence preservation of the original text will not be fulfilled. Other scholars permitted to make minor additions of wordings to the original texts but only under strict conditions. He did not allow paraphrasing.

Another example of differences in criteria is that according to Imam Bukhari, it is a condition for the person narrating a Hadith from his teacher to have remained in his company even momentarily. If he transmits a hadith without remaining in his company then his narration will not be accepted. On the other hand, according to Imam Muslim, his narration is still accepted even if he did not remain in the company of his teacher as long as he lived and heard it directly from the one transmitting it to him.

In summary, Imam Abu Hanifa's statement as well as the similar statements made by the other Imams, are addressed to the Mujtahid scholars, not to the laypersons. Determining a Hadith to be authentic and its applicability can only be done by a person with profound understanding of the science of the grading system in Hadith and Fiqh. It is only the Mujtahid of the school who decides when to prefer Hadeeth over the statement of the Imam.

The Prophet (PBUH) said "Hadith is dangerous without a scholar."

The Prophet of Allah (PBUH) exclaimed "... Until, when no Alim is left, the people will take ignorant men for teachers. These will be questioned and they will reply without knowledge. They are themselves misguided and misguide others." {Bukhari}

Shah Waliullah Muhaddith Dehlawi has written about the spreading and circulation of hadith and about Madinah being the headquarters of knowledge. He writes, "These four Imams are such that their knowledge collectively encompassed the whole world and those imams are Imam Abu Hanifah, Imam Malik, Imam Shafi and Imam Ahmad.

A person should follow the Imam he believes to be the most knowledgeable and pious. The lives of the imams will be discussed in this book also.

Although the muslim jurists who have undertaken the exercise of ijtihad have been great in number, the schools of the four imams are found to be more comprehensive, well-arranged and more organised to this day. The muslim ummah as a whole have regarded these four imams as having the most reliable interpretations of Shariah. The four schools are known to have covered all aspects of shariah and a persons obligation to follow the shariah is fulfilled once he adheres to a school of thought.

This is the true picture of the term Taqleed with reference to the jurisprudential schools.

### **Difference types of Hadith**

- Those statements that were made verbally – hadith-e-qawli
- Those statements that were practically demonstrated – hadith-e-feili
- Certain actions done in front of the prophet that weren't rejected or reprimanded. This is called 'taqreer'.

### **Qiyas (analogical deduction/ theological rhetoric)**

Qiyas is the application of Illat (legal cause) also referred to as a pretext or prime factor, that is found in the Holy Quran, Sunnah or Ijma (consensus) to a modern day contemporary issue. This is essentially required when the ruling of a particular contemporary issue is not clearly understood, nor is it found categorically in the Quran, Sunnah or Ijma. Thus, as a last resort, Qiyas will be used in order to determine the ruling of a contemporary matter, by carefully analysing which prime factor from the Quran, Sunnah or Ijma is similar to the current issue. The difference between Ijtihad and Qiyaas is that Ijtihad means to create a new ruling using Quran, Sunnah Ijma and your own analogical deduction. Whereas Qiyaas is to base a deduction, due to a certain circumstance, upon the principles of the madhab in order to give a ruling. It is said that 'Qiyaas manifests Shariah, it does not enact new laws.' Ijtihad is

Qiyaas in a huge upscaled form but qiyaas is not ijtiḥad by any means. This is why a mufti bases his ruling through the procedure of Qiyaas and not Ijtiḥad.

There were certain questions that the Holy prophet was asked. He would reply to them and to further facilitate the questioner's understanding he would sometimes give a logical reason by posing a logical question to the questioner knowing that the answer would become apparent to the questioner.

Example: A saḥabi once inquired that since Ḥajj was due upon his mother (who had passed away), would it be sufficient if he was to perform it on her behalf? The holy prophet (PBUH) replied in the affirmative. Then he posed a (logical) question to the questioner: Suppose if your mother took a loan from somebody and you paid it off (on her behalf), would it be acceptable or not? The saḥabi replied that it would be acceptable. The holy prophet (PBUH) then said that, paying off the loan to Allah is more worthy to be accepted. (Bukhari)

In the Shariah this is known as Qiyas, Ijtiḥad, Istinbat and Itibar. Teachings of this nature are supported by the Holy prophet. Its conditions and details can be found in the books of Usul (Principles of Islamic Jurisprudence).

In Islam there is no scope to 'pick and choose'. This is why Sayyiduna Muadh was sent as a judge so that the Masail and rulings he derived from the Quran, Ḥadith and Ijtiḥad would be implemented. Following the three principles mentioned by Sayyiduna Muadh Ibn Jabal would be indeed following the prophet (PBUH).

It has been narrated from Sayyiduna Abu Hurairah that the Holy Prophet said, "Whoever obeyed me has indeed obeyed Allah and whoever disobeyed me has indeed disobeyed Allah, whoever obeyed the Ameer (leader) has indeed obeyed me and whoever disobeyed the Ameer has indeed disobeyed me." (Bukhari)

Allah says in the Holy Quran, "Do not pursue what you have no knowledge about." (17:36). It is quite clear that not everybody can do ijtiḥad and it is impossible for anyone to do Ijtiḥad Mutlaq (develop a new

madhab) nowadays due to the pressures of society and other corresponding factors. The following verse in the Holy Quran makes this point clear; Allah says, “If they had referred it to the Messenger and to those who have authority amongst them, the proper investigators would have known it from them directly.” (4:83) If a Mujtahid is correct in his investigation he will receive double reward; nevertheless if he is incorrect he will still receive a single reward.

A doubt may arise as to why Taqleed is restricted to only four imams (Imam Abu Hanifah, Imam Malik, Imam Shafi and Imam Ahmad) only, despite there being many Mujtahidoon throughout history. The reason for doing Taqleed of the four imams in particular, is not because they are thought to be greater than everybody else. Rather, when doing Taqleed, it is important to acknowledge the rulings in which Taqleed is done. There are three fundamental conditions for doing Taqleed for a particular Imam:

- 1) That their entire Fiqh and Madhab are preserved from the chapter of purity to inheritance. This is essential so that a person or a scholar can refer to this Imam at all times regarding any aspect of life.
- 2) The science of deriving laws and Usuls (jurisprudential principles) has also been preserved, in order for a contemporary scholar to derive new laws on contemporary issues that emerge, based upon the Usuls set by the Imam, that are extracted from the Holy Quran and Sunnah.
- 3) The Imam has left behind students and scholars to propagate his Fiqh.

They have all collected vast amounts of details and explanations for the rulings which have been compiled and collated in the madhabs. From the chapter of taharah to inheritance, including worship, dealings, divorce etc. In short, huge numbers of Masail (rulings) in all fields and spheres have been collected and are available. If a person was to do taqleed, who would he choose other than these 4 imams.



Allah bestowed upon them in-depth knowledge of the Holy Quran and Hadith and comprehensive skills of deducing laws. They were amongst the greatest of people. Salafis like to disregard everything about them to sustain their own agenda.

Many people question an Alim over a ruling and if they are not satisfied with the ruling being in their favour they would walk off to another Alim in search of ease. It is apparent that this cannot be the motive for the search of truth. Allah says in the Quran – “And do not follow your personal desires, for they will lead you astray from the path of Allah.” (38:26)

“And follow the path of him who turns to me.” (31:15)

Moreover, it is also well known that the profound scholars of the six prominent Hadith collections ie. Imam Bukhari, Imam Muslim, Imam Tirmidhi etc. Also practiced Taqleed. For example, Imam Abu Dawood was a Hanbali and according to some a Shafiee whilst Imam Muslim, Imam Nasai, Imam Tirmidhi and Imam Ibn Majah all followed the Shafiee school of thought.

### **Other prominent scholars in the past who adhered to a madhab**

#### **1. From amongst the Hanafi School of Thought:**

- a) Imam Yaqub Ibn Ibrahim, famously known as Imam Abu Yusuf, a renowned Faqih, a scholar of Hadith and a senior student of Imam Abu Hanifah. Demise 182 AH.
- b) Imam Muhammad Ibn Hasan Ash-Shaybani also a renowned Faqih and a senior student of Imam Abu Hanifah. Demise 189 AH.
- c) Muhammad Ibn Abdullah Al-Muthannah who was from the progeny of Sayyiduna Anas Ibn Malik. He was a Qadhi (judge) and amongst the teachers of Imam Bukhari, Imam Ahmad ibn Hanbal and others. Demise 215 AH.
- d) Imam Ahmed Ibn Muhammad Abu Jafaar At-Tahawi. An authority in the field of Hadith and a Faqih. He is the author of Aqeedatul-

Tahawiyyah (which is the aqeedah of Ahlus-sunnah wal Jammat).  
Demise 321 AH.

- e) Mahmood Ibn Ahmad Al Badr Al-Ainee famously known as Allamah Ainee – a muhaddith, and the author of a voluminous commentary of Saheeh Al Bukhari called Umdatul Qari. Demise 855 AH.
- f) Ali Ibn Sultan Muhammad Al Qari Al-Harawi, famouslu known as Mulla Ali Qari, a great Muhaddith and the author of Mirqatul Mafatih which is a famous commentary on Miskatul Masabih. Demise 1014 AH

## 2. From amongst the Maliki School of Thought

- a) Muhammad Ibn Abdus-Salam, Ibn Suhnun, Abu Abdullah Al Qairawani, a very high ranking scholar of Hadith. Demise 265 AH.
- b) Hafiz Ibn Abdul Barr, a great scholar of Ahadith. Demise 463 AH.
- c) Ismaeel Ibn Ishaq Abu Ishaq, Al Qadhi Al-Judhami. Demise 282 AH.
- d) Aslam Ibn Abdul Azeez Ibn Hisham, expert in Hadith and Chief Justice of Andalusia. Demise 282 AH.

## 3. From amongst the Shafiee School of Thought:

- a) Abu Bakr, Ahmad Ibnul Husain famously known as Imam Baihaqi, author of the voluminous Sunan Al-Baihaqi. Demise 458 AH

- b) Abdullah Ibn Muhammad known as Abu Bakr Ibn Abi Shaibah, a famous teacher of Imam Bukhari, Imam Muslim, Imam Abu Dawood and Imam Ibn Majah. Demise 235 AH.
- c) Ahmad Ibn Ali, known as Hafiz Ibn Hajar Al-Asqalani, the author of Fathul Bari – a famous commentary of Saheeh-Al-Bukhari. Demise 852 AH.
- d) Ismaeel Ibn Umar Imad-ud-Deen famously known as Ibn Kathir, an authority in the field of Tafseer, Hadith and Islamic History. He is the author of Tafsir Ibn Kathir (commentary of the Holy Quran), Al Bidaya Wan Nihaya (a voluminous collection of Islamic History) and many more. Demise 774 AH.
- e) Muhi-ud-Deen Abu Zakariyya, Yahya Ibn Sharaf An-Nawawi famously known as Imam Nawawi, a profound scholar in Hadith and a famous commentator of Sahih Muslim. Demise 676 AH.
- f) Imam Tabarani, the author of Tabarani. Demise 360 AH.

#### 4. Followers of the Hanbali School of Thought

- a) Ahmad Ibn Abdul Haleem, also known as Ibn Taymiyyah, an expert in Hadith. Demise 728 AH.
- b) Hafiz Ibn Qayyim Al-Jawziyyah, an expert in various fields and an author of many books. Demise 751 AH.
- c) Abdur Rahman Ibn Ahmad, known as Ibn Rajab, one of the commentators of Saheeh Al-Bukhari and also Sunan-Tirmidhi. Demise 795 AH.
- d) Ahmad Ibn Jaafar, a teacher of many famous Muhaddithoon such as Darul Qutni and others. Also one of the narrators of Musnad Ahmad. Demise 368 AH.

The above mentioned eminent scholars are just a few; there are countless scholars to this day to adhere to one of the Madhabs. As we have cited above, it is apparent that it would not be an exaggeration if it was said that these Ulama reached such a status only through following the Holy prophet (PBUH) and doing Taqleed of the four Imams.

Shaykh Sarfaraz Sahib states, “O readers! This is an ocean that has no shore. Take a look into the books of biographies, the books on the categories of Muhadithoon, the Fuqaha, the Muakhiroon (historians), the Mufasiroon (commentators of the Quran) and the grammarians and observe. You will certainly find that at least 98% of all of them were followers of an Imam.”

Shaykh Ashraf Ali Thanvi states:

“If a person was to select all of the strictest rules from all the Madhahib, then he will be outing himself into unnecessary difficulty which is wrong. On the other hand, if someone was to select all the easy rulings from all the Madhahib, then this becomes personal interest which is also destructive. Hence, to adhere to one Imam will be systematic and free from self-interest. All of the madhabs in their juristic verdicts and opinions are neither too strict, too lenient but very moderate. (Ashraful Jawab Page 161)

Imam Tawoos relates that he met seventy from amongst the Sahabah who would resort to the opinion of Sayyiduna Abdullah Ibn Abbas whenever they differed in a matter. (Fawaid-fil-Uloomil-Fiqh)

Our discussion by now has made it clear that Taqlid isn't a new phenomenon. Its existence has been since the early Muslim generations. Taqleed is about relying and following experts in Islamic Law, namely legal jurists or mujtahids. The process of Taqleed underwent some serious evolvement from Am (general) to Shakshi (individual school). Taqleed of one of the four Madhabs became necessary due to the following reasons;

- a) None of the other madhabs gained recognition and acceptance in the same way as the four major madhabs did.

- b) The robustness of the four major madhabs enabled them to solve unprecedented legal issues in every generation.
- c) Their juristic principles, detailed cases and elaboration of legal texts were codified, refined and developed by their reputable students and by the end of the fourth era, only their principles served as an accepted interpretive model for the Shariah.
- d) Many reputable scholars of the past adhered to one of the four legal schools, each one being an expert in his own right.
- e) A layperson, being oblivious of the science of Hadith and juristic principles, is unable to distinguish between suitable and non suitable practises of Hadith.
- f) Following one of the four Madhabs will be a means of controlling ones ego and desires. The deen will become much more systematic and easier to follow.
- g) Abandoning the four legal schools will result in creating a fifth Madhab and opening a floodgate of more diverse opinions and confusion on single matters.

Nowadays, you can see majority of people who claim to be “practising” offering their own legal verdict by giving their ignorant opinion on a certain matter or judgement. This is a scary predicament as predicted by the Hadith:

Abdullah Ibn Amr narrated that the prophet (PBUH) said:

“Allah will not snatch away knowledge abruptly from people, but rather he will snatch knowledge by removing scholars. This will happen to the extent that when no scholar remains, people will take ignorant leaders as their guides. These leaders will be asked and they will give opinions (fatwas) without knowledge. So they will be misguided and they will misguide.” (Bukhari and Muslim)

This Hadith clearly states that giving religious and legal opinions (fatwas) is the occupation of a scholar. People enquire concerning religious and legal issues and act according to the answers received. This is the gist of Taqleed. The prophet foretold that there would come a time when scholars will become extinct and ignorant people will issue fatwas. In this scenario, where there are no living scholars to refer to and hence there will remain none to extract rulings from the Quran and Sunnah directly, what other process will there be for people to follow the Quran and Sunnah except to rely upon the decisions of previous scholars. This Hadith informs us that as long as the Mujtahids remain, reference should be directed to them alone and when no scholar remains, instead of resorting to the incompetent and unqualified for solutions, Taqleed should be made of previous scholars.

It is narrated in Abu Dawood that Hadhrat Ali said that “If the deen was based upon opinions, then the lower surface of the khuff would be more befitting for masah than the upper surface, but I saw the prophet (PBUH) making masah on the upper surface.”

A similar statement has been reported by Imam Abu Hanifa. Once Imam Abu Hanifa visited Imam Baqir who said: “You oppose the hadith of my grandfather on the basis of opinion.”

Observing the greatest of respects, Imam Abu Hanifa replied: “I seek refuge in Allah, who can oppose hadith?” The following discussion then took place:

Imam Abu Hanifa: Who is weaker of man and woman?

Imam Baqir: Woman

Imam Abu Hanifa: In inheritance, whose share is greater – man or woman?

Imam Baqir: A man's share

Imam Abu Hanifa: If I had to decide on the basis of opinion, I would have said that women being the weaker should have a greater share. This is the conclusion of opinion.

Imam Abu Hanifa: Which is more noble – Salah or Fasting?

### Imam Baqir: Salah

Imam Abu Hanifah: In view of superiority, Qadha of Salah should be obligatory on the woman in the state of menses. But her Salah is waived. She does not have to offer Qadha but has to do Qadha of fasting.

These answers overwhelmed Imam Baqir with such pleasure and happiness that he kissed Imam Abu Hanifa's forehead.

In this connection, Hadhrat Maulana Thanwi narrated an incident. Once a claimant of Ijtihad met Hadhrat Thanwi who posed the following question:

“Two people are on a journey. One is in need of ghusl of janabat and the other is in need of whudhu. Water is not available hence both resort to tayammum. The junub made tayammum for the purpose of ghusl and the other person for wudhu. Who of the two is more suited for Imamate (leading the prayer)?

The claimant of Ijtihad immediately said that the one who made tayammum for whudhu is more suitable because his hadth [state of impurity] is of a lesser degree. Hadhrat Thanvi replied:

‘This is your ijtiḥad. Now listen to the Ijtihad of the noble fuqaha. They say that the one who made tayammum for ghusl is more suitable for imamate because tayammum is complete and perfect form of purification (taharate kamila). Hence, the one who made tayammum of ghusl is equivalent to rank to the one who made ghusl. The one who made tayammum of whudhu is like the one who made whudhu. And one who made ghusl is more suitable for imamate than the one who made whudhu. Therefore your opinion is invalid.”

This is one of the examples as to why Ijtihad cannot be practised properly today.

It is narrated by Abu Hurairah that the prophet (PBUH) said:

“Whoever gives a fatwa (legal opinion) without knowledge, the sin will be on the one who gives the fatwa.” (Abu Dawood)

This Hadith is also very clear about the validity of Taqleed. If Taqleed was not permissible, then just as there is sin for offering an opinion without knowledge and investigation, there should be an equal amount of burden on the person asking if he did not preserve to reach his own conclusions, but the Hadith states that the burden is on the one giving the fatwa and not on the one asking. It indicates that the responsibility of a person who is not a scholar is to ask someone who has knowledge of the Quran and Sunnah. If that knowledgeable person gives him an erroneous fatwa, the burden of sin is on the mufti and not on the questioner.

Ibrahim Ibn Abdur Rahman narrated that the prophet (PBUH) said:

“Reliable people from each succeeding generation will carry this knowledge. They (the reliable people) will refute the distortions of those who exaggerate and the erroneous explanations of the ignorant.” (Bahiqi in Madkhal)

This Hadith condemns the erroneous explanations of the ignorant and makes it very clear that the refutation of these explanations is the responsibility of the scholars. Again, this shows that those who do not possess the acumen of a Mujtahid should not venture into explaining the Quran and Sunnah according to their own understanding. Rather they should refer to the scholars in order to understand the correct meanings of the Quran and Sunnah a person needs to be extraordinarily qualified. Rudimentary knowledge of the Arabic language does not qualify one as a Mujtahid and hence such explanations by a non-professional would be regarded as spurious.

The scholars of Islam have always referred to Quran, Sunnah, Ijma (consensus) and then finally to Qiyaas (legal analogy).

These have been practised for hundreds and hundreds of years. Sometimes the consensus would refer to the actions of the sahaba in order to derive a ruling. Ibn Qayyim states that the Fatwa of more than 130 companions have been recorded and memorised. These fatwas include proof that is offered from quran and sunnah and others where it is not.”



Shah Waliyullah writes: “The criticism against Taqleed does not apply to the person who acknowledges that he should follow only the prophets statement, that is to say what prophet made halal and haram since the person does not possess the knowledge enumerated by the prophet and is not capable of reconciling apparent contradictions, nor does he have a structured method of extracting rules from those statements, he should follow a righteous scholar assuming that he is right in his opinion, provided that the scholar follows the Quran and Sunnah and gives fatwas based on them. However, if the assumption of the follower is found to be wrong, he must withdraw from following that scholar immediately without any question or debates. How can anyone doubt this line of thinking since the practise of asking for fatwas and giving fatwas has been vogue from the time of the prophet. There is no difference if he asks the scholar whom he follows all the time or whether he asks him sometimes (as in following a particular scholar) and others on other occasions (or practising Taqleed in general) as long as the scholar meets the criteria which we have mentioned.”

May Allah have mercy upon the scholars who saw that there was a need to demonstrate Taqlid. For reasons of administration and to avoid the possibility of contradictions amongst the scholars of differing Ijtihad over a primary source, the laity were encouraged to follow only one Imam and Mujtahid instead of referring to several. This idea gained hegemony during the third and fourth century AH. Hence, this has been the dictum of the vast majority of the Ummah for subsequent centuries, and scholars themselves have conformed to Taqleed of a particular Imam . In order to understand the reasons and benefits of the systemisation of Fiqh, the following premise has to be comprehended: following ones desires and passions is a very grave form of misguidance.

Imam Nawawi has explained the necessity of following a particular school in the following words.

“ The reasoning for this is that if following any school of thought was allowed, it would lead to people hand-picking the conveniences of the schools in order to follow their desires. They would choose between halal and haram and between necessary and permissible. This would lead to relinquishing the burden of responsibility, this was unlike in the early days of Islam where the schools of thought were not readily available, nor were they structured or known. So based on this reasoning, a person should strive to choose one school of thought which he follows precisely.”

Since the era of the companions, until now there have been thousands of scholars and mujtahids who have had very diverse and disparate opinions and concessions concerning different issues. There will always be concessions in one school of thought, which are not found in another, regardless of the fact that these were great jurists, they were not immune from errors. In fact, every Mujtahid has one or two opinions, which go against the whole Muslim Ummah's position (Jumhoor). Following any and every imam will lead to “relinquishing the collar of responsibility”. To further elaborate on this issue we can provide a detailed illustration which will leave you dumbfounded of the negative effects of not following a Mujtahid Imam.

For example: Imam Shafiee allowed chess; Imam Abdullah Ibn Jafar apparently allowed singing with musical instruments; Imam Qasim Ibn Muhammad allowed pictures which did not have any shadows; Imam A'amush held the opinion that fasting started with sunrise and not at dawn. Imam Atta Ibn Rabah held the opinion that if eid fell on a Friday, then the Jum'ah Salah and Zuhr Salah would not have to be read and there would be no prayer until Asr. Imam Dawood Tai and Imam Ibn Hazm both believed that a person could see his potential fiancée in the nude and Imam Ibn Sahnoun has supposedly allowed anal intercourse. Thus, if an individual was to follow every one of these opinions – would his iman still be intact.

This is the reason why Ma'mar writes: “If a man took the opinion of the people of Medinah regarding music and anal intercourse; the opinion of the people of Makkah regarding Mutah (temporary marriage) and barter and the opinion of the opinion of the people of Kufa regarding intoxicating drinks, he would be the worst of Allah's servants.”

Shaykh Abdur Rauof Manawi had discussed this issue at length and has quoted SHaykh Ibn Hamam:

*“It is most probable that these types of restrictions are placed to prevent people groping for conveniences.”*

SHaykh Abu Ishaaq Shatibi, the great Maliki Jurist has outlined the reasons for not allowing people to search for conveniences by following different schools in his famous work Al-Muwafiqaat.

Shaykh Ibn Khaldoun explained why Taqlid prevailed: “The Taqlid of four Imams became popular throughout muslim cities and the Taqleed of other scholars was forsaken. The doors of diverse opinions were closed because so many academic terms were being used to denote so many different concepts and because it had become so difficult to reach the stage of a Mujtahid. There was the apprehension that the title of a Mujtahid be attributed to one who was not worthy, or someone who is inauthentic (and cannot be trusted) in his opinion and in his religious practise. Scholars declared that attaining the stage of a Mujtahid was not possible and restricted people to follow a particular Imam. They prevented people from following Imams alernately as this was tantamount to playing (with Islam).”

Shah Waliyullah states: “If there is an ignorant person within india or central Asia where there are no expert scholars on Shafi,Maliki or Hanbali law, and if there are neither any books of those schools readily available, then this person must follow the school of Imam Abu Hanifa. It would not be permissible for him to leave the school because he would effectivelt be exonerating himself from the duties of Islam. He would be an archanist. This would not be the case for a person who lived in the two sanctified mosques (makkah and Medina) where scholars of the three other schools are readily available.”

A very clear example of this can be found during the caliphate of Uthman regarding the compilation of the Quraan. All seven dialects were readily available and were widely recited. Uthman requested that all copies of the Quran be standardised upon the dialect of the Quraish whose Arabic was uncontaminated over successive generations. Uthman abrogated the remaining six dialects and retained the dialect of the Quraysh. All other copies of the Quraan were discarded. This was

done because he perceived greater benefit to the Muslim community. Hafiz Ibn Jarir at Tabari ( a famous commentator of the Quran) has written – “The community was instructed to memorise the Quran and recite it. They were given the choice to recite it in any of the seven different dialects they chose to do so. For whatever reason, the community was ordered to maintain one standard dialect and to discard the remaining six.” This was mandatory upon them to restrict to a certain method and abrogate the remaining. This is the same methodology provided by a school of thought.

For example, cupping whilst fasting does not invalidate the fast according to the four schools of thought. If a layperson asks a mufti if cupping breaks the fast and for whatever reason he replies in the affirmative, then the burden of the lay person eating and drinking for the remainder of the day will fall upon the Mufti and not on the lay person. Firstly, the Mufti is the one responsible for issuing fatwas. Secondly, he did not pursue the opinions of the four schools. Therefore he is incorrect. Imam Abu Yusuf explained regarding this predicament that the lay person must follow the jurist and scholar since he is not able to reach a correct conclusion by reading the Hadith.

It is important to understand that the Madhabs are not based upon one persons opinion rather a whole panel of renowned scholars. For example, Imam Abu Hanifa is of the opinion that drinking a small amount of wine is permsible for strength. However, no other scholar within the hanafi madhab support this view therefore it is discarded. The reason we follow him as a mujtahid Imam is because he was the founder and leader of the Madhab. The second type of Mujtahid scholar are those Mujtahids within a school of thought. For example – Imam Abu Yusuf and Imam Muhammad. They are considered hanafi scholars despite differing in the subsidiary issues within a madhab. This is permissible for them as they had reached the level of Ijtihad and in order for a layperson to do that would be extremely difficult. However, in order to do ijtihaad mutlaq (form a new madhab) would be impossible.

Some people claim to be muhamadi and not hanafi. This is an ignorant view as following an Imam is actually following the prophet (PBUH) as they have provided the tools of understanding Quran and Sunnah.

We are ambassadors of Islam in this country and must present Islam in the most coherent and purest way possible, avoiding extremism and confusion. It would be a terrible travesty if we became a means of showing those around us that Islam is confusing, contradictory and divided. Would this be our contribution for Islam, for the profound gift of guidance that Allah so Mercifully bestowed upon us? But the path of non-madh-habism (not adhering to these four great schools) leads to this inevitably. Not only is it transmitting to non and new Muslims a version of Islam that, as has been demonstrated through the preceding scholarly quotes, was practically unheard of, it is sowing the seeds of deep divisions and conflicts. For centuries the Muslims were united together within four schools. The superficial declare this to be disunity, so they call to unity by going back to the original sources of the Qur'an and Sunna. Leaving aside the absurdity of this statement as it suggests the four Imams were somehow basing their opinions on some other mysterious sources, it grossly neglects the fact that differences in understanding, hence differences in opinions on detailed rulings, not only have always existed, but are not to be assumed as fundamentally wrong. To abolish the four schools would open the flood gates to the community getting flooded with dozens of opinions emerging on one single issue.

Omar sent a letter to a Qadhi (Judge) Shuraiah which formed the basis of Ijtihad for scholars such as Imam Abu Hanifa, Imam Shafi, Imam Malik and Imam Ahmad.

"Shuraih reported that Omar wrote to him and said: "If you are in dispute or in a case where a rule from the Quran is evident, then judge accordingly. If there is nothing in the Quraan, then look into the Sunnah of the Messenger of Allah (PBUH) and judge accordingly. If there is nothing in Sunnah, then see what the scholars have agreed upon and judge accordingly. And if there is nothing in the above mentioned sources, then you have a choice. You may either exert or exercise your own opinion and enforce it, or you may reserve judgement. I believe that reserving your opinion can be nothing except good for you."

You can see from this example that Shuraih was a Mujtahid.

In reality, even opponents of Taqleed engage in a form of following, after all even they were not born Mujtahids. Many opponents are not scholars in any sense of the word and even those who are scholars do not have the academic command over every issue. Antagonists of Taqleed - who are non-scholars – will follow the answers offered by the scholars.

Hence, there are several compilations of Fatwas where no immediate commitment is made to present proof and even where there exists some dialogue on proofs, how can a layperson determine right from wrong?

Thus even the opponents of Taqleed end up being Muqallids (followers).

As for those who are scholars, they remain under the obligation to examine all the resources on the Quran and Sunnah before reaching a decision in an issue. In reality, however, not even scholars examine each issue anew rather they are too obliged to resort to the books of Fiqh of the early scholars. The only difference is that instead of reading books from the Hanafi, Maliki, Shafi or Hanbali schools of thought – they prefer to refer to Ibn Taymiyyah, Ibn Qayyim, Ibn Hazm and Qadhi Shaukani – they are too ignorant to realise that even Ibn Taymiyyah followed a Madhab. The truth is that following the opinion of the experts is part and parcel of every day life. If we were to condemn this very normal and mundane activity, life would become virtually impossible.

Imam Abu Yusuf said “The lay person must follow the jurists since he is not capable of understanding the Hadith independently.”

There were approximately 124,000 companions of the prophet and only 130 issued fatwas. This goes to show that not every single person can do ijihad and qiyaas. Rather it is the job of the certain few. As well as this, there were only 8 major mujtahids at the time of the sahaba. Every one else was a muqallid.

Today the whole Muslim world is in a frenzy of this kind of permissiveness and so called modernisation. In the name of Ijtihad and freethinking the edifice of classical Muslim scholarship is being dismantled. Academic institutions have been erected to bolster absurd interpretations legalising impressible acts to be permissible. Denouncing Taqleed has been highlighted as one of the many means of achieving the profane goal of following ones whims and fancies. Ironically, in the effort to denounce the works of the classical scholars, these reformers have inadvertently confirmed the foresight of the very same scholars

who had issued the Fatwa centuries ago. They had become the very proof of unbridled pursuit of one's caprices and passions. As long as the Taqleed of an individual was the norm in Muslim communities, these ideas were not given any attention. Vulnerability to unfounded propaganda and pseudo-intellectual claims of scholarship in the contemporary era has given rise to the acceptance of taqleed of an individual is forbidden in Islam. The state of affairs today is that established principles of Islam and issues which are conclusively forbidden by the Quran and Sunnah have been targeted and treated with scepticism and even scorn.

Arguments have been advanced that Taqleed of an individual impedes solutions to modern developments. The answer to such contention is that modern issues, which demand Ijtihad, should be delegated to an expert scholar – whose Taqlid is different from that of a layperson. Such an expert scholar would be able to sift the principles of earlier Mujtahids and resolve new problems based on the same. Moreover, scholars of one school may unite upon solutions to new problems, which arise. They can do this by using the same principles as their school of thought. This is the reason why, in the Hanafi school, scholars have resorted to following the opinion of Imam Malik in issues like accepting wages and salaries for teaching the Quraan, making legal provisions for divorce for a wife whose husband is lost or impotent. This is different to Talfeeq. Under no conditions is the practise of Talfeeq permissible, which is to use the Fatwa offered by one imam and following another Imam in the same unit of Ibaadah. This is classed as picking and choosing between fatwas which suit your own needs.

It is important to note that the Imams never classed actions within salah to be impermissible. Neither did they class them to invalidate the salah. Rather, they showed their perspective with evidence and proof in favour of the preferred opinion. For example, Imam Abu Hanifa says that it is not necessary to say Ameen out loud whereas some other Imams differ – however Imam Abu Hanifa never claimed that it invalidated the Salah. Rather, he showed proof in order to display the fact that it was later abrogated. This goes to show that every single imam is correct in their own opinion.

Rejecting the Sunnah by claiming that Imam Shafi did not rule in reference to this is an example of fanatical adherence to ones Madhab and it is neccesaey to condemn this type of action to a type of lethargic Taqleed.

Assuming ones Imam is the only correct opinion and the other Imams are false and invalid is an erroneous viewpoint. The correct view is that my madhab's view on a certain ruling is correct with a chance of being incorrect and the other views are possibly incorrect with a chance of being correct. Judgement is only fulfilled by a Mujtahid and they all excercised their respected skills to reach conclusions. In the event that certain opinions sre incorrect - the Mujtahids will still be rewarded for extortion as stated in the famous hadith. Many of the differences between the Imams are merely based on which is the more preferred action. Differences concerning what is halal and haram are issues for scholarly circles only, opening such frictions to the populace, where there exists the anxiety of frictioin and commotion, is not the intent of the Mujtahids who differed with each other.

The Mujtahidoon from amongst the Sahaba were: Abu Bakr, Umar, Uthman, Ali, Abdullah Ibn Masood, Abdullah Ibn Abbas, Muaadh Ibn Jabal and a few others.

It is said in the Holy Quraan:

“And eat and drink until the white thread of dawn appears to you distinct from its black thread.” (Surah Baqarah 2/127)

Hadhrat Adi Bin Hatim At-Tai tried to apply his own intellect in understanding the intended meaning of this verse and hence reached an erroneous conclusion. Subsequently, he expressed what he understood before Rasulullah (PBUH). Rasulullah (PBUH) corrected him and explained the correct meaning of this verse.

This incident is reported by Imam Ahmad bin Hambal:

Imam Shabi reports that Hadhrat Adi bin Hatim related to me that when the above verse of the Quran was revealed, I took two pieces of thread (one thread was black and the other white). I then placed them both beneath my pillow. I stared at the threads for a long time expecting to see the white thread becoming more clear and visible from the black



thread so that I may then abstain from eating. However, the entire night passed and in the morning I came to Nabi and I had expressed what I had understood from the verse and what I had done during the night. Nabi smiled and remarked: "If the meaning of the verse is as you have understood, then your pillow is indeed very wide. For indeed the white and black threads implied in the verse refer to the brightness of the day and the darkness of the night."

This goes to show that a laypersons' explanation may result in him suffering and being misguided

Systemising the laws of Shariah required discerning and differentiating between the previous abrogated laws and the latter laws which replaced them, deciphering between the authentic and unauthentic narrations, categorising the status of injunctions and prohibitions (fardh, waajib, sunnah, mustahab, mubaah, haraam, makrooh-tahrimi, makrooh-e-tanzihi and khilaf-e-awlaa) and finally formulating principles in the light of Quran and Hadith which govern the deduction of non-textual situations. All of the above needed to be accomplished in order to correctly practise upon each law of Shariah in the manner it was revealed by Allah.

Thus, the four mazhahib received the acceptance of thousands of specialists. All these doctors of their field unanimously attested to the unmatched mastery of the four imams and admitted their inability to produce a masterpiece mazhab like that of these imams. These Ulama further supported and corroborated the four mazhahib, that all are firmly based on the Quran and Sunnah. It is said that Imam Abu Hanifa had only 3 links in his chain of narration from the Prophet (PBUH).

Currently, the doors of Ijtihad have not been closed, however, after the third century no one has met the criteria of being a Mujtahid. Those people who claimed to be on the pedestal of Ijtihad were tested by the Ulama of the time and after being proven academically incompetent, were disqualified and rejected.

Allamah Abdur Rahman bin Muhammad Al-Maghribi (808 AH) writes "....Taqleed became confined to these 4 imams in all the cities of the Muslim world. All the followers of other Imams gradually became extinct. Thus, when the terminologies of the various sciences became wide-

spread in the earth, the scholars closed the doors of differences (and confined Taqleed to one of the four Imaams) as they feared that someone unworthy would begin claiming Ijtihad. Hence the scholars stated “The ability to reach the rank of a mujtahid has become virtually impossible.” Thereupon they directed the people towards Taqleed of one of the four imams and warned them against changing madhabs for convenience, as this will amount to playing fools with the deen of Allah. Thus anyone who claims to have acquired the level of Ijtihad in this day and age will be rejected and will not be followed. The entire Muslim world now has a consensus regarding the Taqleed of these four Imams.”

It is very unfortunate that one of the worst signs of the day of judgement approaching is “A person will be satisfied and pleased with his independent reasoning and understanding, and this is among the worst signs. (Mishkaat Page 434).

As well as this, “You will witness people fulfilling their greed, following their base desires, giving preference to dunya over deen and being satisfied with their own reasoning and understanding.” (Mishkaat Page 437)

Nabi (PBUH) has also mentioned that from amongst the signs of Qiyaamah is: The latter part of this Ummah will curse the former (Mishkaat Page 470)

Ibn ‘Uyyana, may Allah be pleased with him, has said, “The hadiths are a source of error except for the jurists.”

Many Salafi modernists independently view the laws of Quran and Sunnah with their limited analogy. They begin to deduce underlying factors (ilal) upon which rulings are based. Thereafter they will abrogate many laws of deen on the basis that the underlying cause that they deduced no more exists. They abrogate necessary laws.

For instance, consider the law of performing whudhu before every Salah.

In this day and age, a group of modernists hold the view that there is no need to perform whudhu before every salah, since our limbs are mostly covered and do not get dirty. They contend that the law of Whudhu was most relevant to the Sahaba. Many of the Sahaba were shepherds or worked on the fields and in other outdoor

occupations. As a result, their bodies became soiled in dust and dirt. Therefore, they were required to make wudhu for every salah. Hence, this group of modernists subjected the law of wudhu to their flawed analogy.

A similar example is that of the law of appointing witnesses at the time of Nikah. Rasulullah has declared: “ *There is no Nikah without witnesses.*” (Bayhaqi 7/111)

Based on this and another Hadith, the scholars have unanimously stated that the Nikah must be witnessed by at least two people, otherwise it will not be valid.

Yet, some modernists opine that the Nikah is valid regardless of whether witnesses are present or not. They comment upon the aforementioned Hadith that witnesses were only deemed necessary in the Hadith in order to alleviate any misunderstanding or denial if that nowadays the Nikaah is properly recorded and signed by both parties. Therefore, witnesses are not necessary. Thus, on the basis of their flawed deduction of the reason for having witnesses in a nikaah, they cast aside this fundamental Shariah requirement.

Another problem of not doing Taqleed is that people will come across certain Hadith which have been unanimously abrogated (according to the consensus of the Sahabah and the entire Ummah), however due to the lack of sufficient knowledge regarding the historical background of the law, they will begin practising upon it. Consider the Hadith which permits the practise of Mutah. Undoubtedly, for a limited time the Sahabah were allowed to practise Mutah in the noble era of Rasulullah during Jihaad. However, this permissibility was later abrogated by the law of prohibition. If anyone independently studies the classical works of the Muhadithoon via Sahih Bukhari and Sahih Muslim as well as other hadith they will come across the permissibility of these actions despite them being abrogated.

In one hadith – Nabi has stated:

“Whoever adopts an independent path will also be alone in Jahannam”.  
(mustadarak hakim 1/115)

Recently several incidents have occurred where three talaqs were issued all at once. The predicament occurs wherein a person issues his wife with three talaqs in one sitting. Upon realising his error he wished to make up. However, the Ulama explained to him that his Nikah with his wife had terminated. Hence, until the Shariah condition of halalah does not happen, it is completely prohibited for him to continue living with this woman. The man was also informed that if they continued living together, they would be living a life of zina. This person went round (in an earnest endeavour to save himself from the disgrace and embarrassment from society) asking whether any madhab offers a solution to the present situation. He was repeatedly informed that there is consensus amongst all the four madhabs as well as the entire ummah from the time of the Sahabah upon this issue. This consensus continued for seven centuries till the time of Ibn Taymiyyah, who was responsible for breaking the consensus. This person, desperate to save his marriage and extricate himself from embarrassment said, "I will accept this verdict and go by it."

One who follows this view will be opposing the quran, sunnah, ijma and the sahaba due to the fact that Hadhrat Abu Bakr and Hadhrat Umar opined of this.

Ijtihad was necessary in order to act accordingly within new predicaments which occurred. The ruling regarding a fly falling into milk is known. However, the ruling regarding a bee falling into milk is unknown. This is why a mujtahid deploys the tactics in order to derive a maslah.

A hadith of Sahih Bukhari (1/250-251) states: "An umrah in Ramadhan equals to a Hajj with me (Rasulullah)."

In another Hadith states: "The one who performs Fajr Salah in congregation and thereafter sits till sunrise remembering Allah and performs two rakah of nafl salah, he would attain the reward of a complete hajj and umrah." (Sunan Tirmidhi 1/130)

If a person looks at the apparent meaning of these two hadith without the medium of an Imam, he would conclude that there is no need for him to perform his fardh hajj, since he has already attained the reward of a complete hajj and a hajj with Rasulallah (PBUH). If he refers to an Imam,

he would explain that these just mean the reward of Hajj. However, these actions do not absolve him from the obligation which still remains on him. Another real example of the above is: Once a man (who was going for Umrah) came to an Aalim and said: "The Hadith says that one salaah in Makkah equals one hundred thousand salaah elsewhere." (Sunan Ibn Majah Page 101) So if I perform one qadhaa salah there, wont it compensate for all my qadhaa salah?" The alim replied: "If your deduction is correct, then not only will it compensate for your past Salaahs, rather there will be no need for you to perform any more Salaah in the future as well."

Therefore he explained to him that this only refers to the reward and not the obligation. From this example we understand that referring directly to the Quraan and Ahadith without the medium of an Imaam is detrimental to our deen.

When such great luminaries in the field of Hadith, the likes of Imam Abu Dawood and Imam Tirmidhi who compiled books on Hadith, likewise experts like Allamah Nawawi and Hafiz Ibn Hajr who prepared extensive commentaries on Bukhari and Muslim (which run into volumes) confined themselves to following one of the four imams, then how can a layman of this era who refers to a mere translation of these very books of Ahadith regard himself absolved of following an Imam?

The policy employed by the four imams included strict scrutinisation of each chain of narration, codification, evidence, consensus and many other procedures. In short, several aspects had to be thoroughly examined before adopting a particular view in their madhab.

In the era of the sahaba, the method of education was that people acquired the knowledge of Deen (the quran and sunnah) under the guidance of those who were learned in the various branches of deen. Despite the sahaba being fully conversant in the Arabic language, yet in matters of Deen they never adopted the approach of self-study nor did they refer directly to the Quran and Hadith. They left this task to the more learned scholars amongst the companions.

The prophet (pbuh) said in a hadith: "I fear in special three shortcomings in my Ummah. Firstly, due to the abundance of material wealth and possessions, jealousy will spread among them for one another.

Secondly, they will begin to freely discuss the Holy Quraan (without referring to the Ulama and the learned), whereas many meanings in the Quran are such that they cannot be understood by anyone except Allah. In regard to such verses, the well versed scholars of the book say; “We fully believe in it, and that it has come from Allah.” (Thus how much more careful should the common people be.) Thirdly, the religious scholars will be neglected and ignored and people will not see the need to refer to them (i.e. people will adopt the approach of self-study in Deen and refer to the Quran and Hadith directly.” (At-Targheeb Wat-Tarheeb 1/152)

On one occasion a person came to Hadhrat Umar for some work. During the conversation, hadhrat Umar asked him regarding the condition of the people of the land he had come from. The person replied: “O Ameerul Mumineen, there is a great awakening among the people and people are learning the Quraan and referring to the Quraan directly in Deeni matters (i.e. without the guidance of the Ulama).” Hadhrat Ibn Abaas was present in the gathering and upon hearing the statement of this person, he said: “I take an oath on Allah, I do not like that people begin learning and studying the Quraan by themselves.” Upon this, Hadhrat Umar immediately reprimanded him and disapproved of the objection he raised against the approach of the people

After being reprimanded by Hadhrat Umar, Hadhrat Ibn Abaas says: “I then went home extremely grieved and worried and said to myself: ‘It seems that on account of my statement, I have fallen from the sight of Hadhrat Umar and lost my lofty position I was once enjoying.’ He further says: “After returning home, I rested on my bed, until the womenfolk of the house became concerned of my condition. It was not due to any ailment that I had fallen ill, rather over what had occurred during the conversation with Hadhrat Umar. While I was in that condition, a person came to me and said: ‘The ameerul mumineen has sent me to call you.’ I then came out of my home and Hadhrat Umar was there waiting for me. He took hold of my hand until we were in seclusion. He then asked: “What was it that you disapproved regarding the statement made by that man earlier? I replied ‘O Umar, if i have erred, then I seek the forgiveness of Allah and repent, and I am prepared to correct my stance according to what you advise me.’ Hadhrat Umar said “No. Rather tell

me the reason for your disapproval?" I replied: 'O Ameerul Mumineen, the reason for me disapproving people referring to the Quran directly is that they will begin to reach their own conclusions and formulate their own opinions in Deen. When this will happen, then the outcome of this is that each person will have his own version of Deen and confine the truth to what he feels. This will then lead to differences and dissension coming about in the ranks of the Muslims (based on ignorance). The dissension will then lead to arguments and disputes and ultimately Muslims will be fighting each other.' Hadhrat Umar was greatly pleased with what Hadhrat Ibn Abaas said and told him that he also felt the same though he hadn't expressed this to anyone till the time he mentioned it.

Another danger of leaving the confines of a madhab is when a person comes across a certain hadith that is not literal yet metaphorical. For example: "Rasulullah (PBUH) performed Zuhr and Asr together and Maghrib and Isha together without the expediency of fear and journey." (Muslim Sharif)

At face value the hadith indicates the permissibility of performing Zuhr and Asr as well as Maghrib and Isha even if there exists no valid reason for this practise. But without a doubt, the unification of Salah without reason is not held permissible by any authority. The correct meaning of the hadith is arrived at by interpretation via the faculty of Ijtihad.

The strongest daleel for the clamour of modern Ijtihad is their claim of changing circumstances of the world. They assert that the change of world circumstances warrants modernity in the deen. Since (in their opinion) Ijtihadat (principles and rules formulated on the basis of Ijtihad) are insufficient for the scientific age. On this fallacious premiss they argue that modern interpretation and exposition of the Deen are essential for attracting the modern mind to Islam.

Firstly, this argument of the modernists is an ambiguous claim. Let them pin-point exactly, after all, which questions and rulings due to modern change require alteration and abrogation under the ostensible guise of modern interpretation. We may then further scrutinise such particular issues.

In refutation of their baseless claims, it will suffice to mention that Deen is not the product of man's efforts. It is the deen perfected by Allah and

despatched for regulating our lives until the Day of Qiyamah. It therefore does not admit change and abrogation due to changing circumstances and conditions. Every Muslim implicitly believes that in Islam are answers for all developments and contingencies until the Day of Qiyamah. If there is a need for modernisation then why is the Quran the final book and why is the prophet (PBUH) the final messenger. The answer is a no-brainer. It seems as if western-liberalism has caught the mind of these people.

It seems that the objective of Salafism is to stay away from the fuqaha and ulama. Despite the fact that the prophet (PBUH) said: "A single Faqeeh is harder on shaitan than a thousand Aabids (pious worshippers)." As well as this Rasulullah (PBUH) said: "The Ulama are the Heirs of the prophets."

Regarding the qualities of the Ulama, Allah says:

"Verily, among his servants, the Ulama fear Allah."

"The people of knowledge are establishers of justice."

It is within Hadith that "The nobility of knowledge is better than the nobility of worship."

"He for whom Allah desires goodness, Allah endows him with the understanding of the deen."

"The noblest of my Ummah are the ulama – its merciful ones."

It is hysterical to see every Tom, Dick and Harry who has studied some hadith translations and barely learned to read the Arabic language and has a couple of degrees from a kuffar university think himself capable of making Ijtihad in even the usool. May allah save us from such deviation. It is incongruous how they just read books to derive a ruling without a teacher. Allamah Ibn Abideen has stated that: "Even if a man memorises all the books of our masters, then too for the purpose of fatwa it is a requisite that he obtains instruction from his teacher do that he be guided towards it." (uqud rasmul mufti) These type of people are indeed lovers of modernity.



It is also important to understand that the opinions of the 4 imams absolutely do not contradict the hadith.

An exercise to modify the madhabs will imply the initiation of a fifth madhab. Since the rulings of a Madhab are based on evidences and certain evidences are the product of interpretation, therefore unification is not possible. There are and always will be differences among the scholars who are muqallids of the same madhab. Furthermore, differences from each madhab have never resulted in conflict. Ignorance leads to disunity and conflict. We are taught to respect every madhab. Although a person may follow the Hanbali madhab, he will still insist that followers of other madhabs adhere strictly to their own madhab and to the rulings and teachings of their respective schools of thought. The belief of the followers is that all Madhabs are on the truth (haqq) because of their basis on Quran and Sunnah. While conceding that errors are possible and that errors in opinion have been committed, no Madhab can be branded as deviated. Rasulullah (pbuh) said “the differences in my ummah are a blessing.” Such differences were present amongst the companions also. These differences were inherited by the students of the Sahaba, hence the different opinions. The madhabs do not advocate sectarianism or antagonism to other madhabs as salafis claim. Rather the problem we have is with those who are ignorant.

No one undertakes the task of completing a construction of a building without having the correct qualifications. They leave this for the professional architects. In the same way, a normal person does not conduct a surgery without understanding the procedures. Therefore how do you expect an individual to deduce rulings from Quran and Sunnah. This is why the prophet (PBUH) said: “One who renders a legal ruling without knowledge, its sin will be upon the givers of the ruling.” Miskaat Page 27

The Sahaba and Tabieen were not all of the same rank and standing. In fact some were Mujtahid and others were Muqallids.

Makkah – hadhrat Abdullah Ibn Abbas

Madinah – Hadhrat Zaid Ibn Thabit

Kufa – Hadhrat Abdullah Ibn Masood

Yemen – Hadhrat Muadh Ibn Jabal

Basrah – Hadhrat Anas ibn Malik

Whenever any one of the four khalifas used to impart their own judgement and do Ijtihad they would clarify that this was their own personal viewpoint. There are quran verses to show that following the path of the righteous will lead you ultimately to the straight path. “Follow the path of one who has turned towards me.” (Surah Luqman Verse 15) “And when they become steadfast and firmly believed in our revelations, we appointed leaders from amongst them who gave directions at our bidding.” (Surah Sajdah 32-33) “And we made them leaders who used to guide others by our command, and we inspired them to do great works.” (Surah Ambiyaa – 73)

Taqleed is being subjected to much scorn, ridicule and rejection by modernist Muslims schooled in the liberal culture of the west while being largely uneducated in terms of the Shariah. Western liberalism has undoubtedly captured their minds, hence they labour to create some kind of harmony between the rigid demands of Islam and so-called rational dictates of modern reason. They are saddled with the problem of harmonising Islam with modernism and in the process of their evil pursuit they are constrained to abandon any Islamic demand which thwarts or impedes their godly mission. Taqleed (for them) is a thorn in their flesh and it has to be eliminated to attain their pernicious goal. Self conceit and self opinion are the products of western materialism and liberalism. These diseases, gripping many Muslims in this age, have lamentably disturbed the equilibrium of Muslim intelligence. The ailing Muslim intelligence of these times has been drastically jarred that it is incapable of discerning the dangerous abyss it is slipping into by shunning the vital and compulsory injunction of Taqleed. It fails to understand the Ultimate consequence of abandonment of Taqleed is the abdication of faith. Those who shun Taqleed hover on the brink of kufr. The ghair muqallid will always forever dwell in confusion and uncertainty. His faith suffers from scepticism. If such men of superb knowledge (such as Imam Razi and Imam Ghazaali) discerned and acknowledged the imperative need for taqleed, then who are the men of today that abandon it? The realisation for the need of Taqleed increases proportionately with the increase of one's knowledge. The greater one's

knowledge, the more will one discern the need for taqleed. On numerous occasions, a man of great knowledge is confronted with problems which defy his opinion and challenge his intellect. He is saved from the danger of deviation by seeking succour in the taqleed of his seniors. Thus, no one can ever be independent of Taqleed. Taqleed is negated at the peril of destroying Imaan.

### **Salafism Exposed**

Salafiyyat is the latest trend in the world which has been given a deeni body and form through bereft of the spirit and soul of deen. After a lengthy period of 1300 years this neo-madhab group made its sudden appearance. Most people ascribing to this ideology wish to lead a free and unhindered life. They do not want to be bound by any restrictions which come in the path of their worldly interests. However, at the same time their aim is to appear as Deeni committed people treading on the path of deen. They totally disregard the pious predecessors despite being ironically named after them. As well as this, they use their own opinion to manipulate hadith in a way to suit their own needs and desires. The Ummah was systemised and codified in certain rules and regulations in line with a school of thought. Since the arrival of this misguided sect, muslims have been left baffled as to which path to choose. The salafis have a clever tactic of targeting young laypeople who have very less understanding of the Islamic Jurisprudential system. As well as this, they target individuals who have a keen desire of learning more about their deen however lack the qualifications to read and understand hadith independently. They believe that their methodology of directly looking at the Quran and Sunnah with no input from the consensus of the scholars is the correct procedure of understanding Islam. Little do they realise that the Imams had beautified this procedure by systemising the Quran and hadith into rulings by scrutinising each chain of transmission with a panel of scholars. They were the best generation of people according to the prophet (PBUH). Yet, salafis disregard all of this to suit their own agenda. They pick and choose certain rulings to appease the public into being attracted to their style of viewing narrations under an ignorant view. In doing so, they deliberately ignored the other authentic narrations which establish the practise adopted by the other madhahib in that maslah. They choose whichever ruling they deem to be the strongest and most-correct. Indeed, they have deviated from the straight path. May Allah Guide them – Ameen.

### **The purpose of Salafism**

After a thorough study and examination of this new madhab called salafism one reaches this conclusion that the purpose and aim of those who were responsible for spreading this mindset in the world in the beginning of the 12<sup>th</sup> century was:

- 1) To create internal fights and dissension within the Ummah especially amongst those who ascribe themselves to one of the four madhabs.
- 2) To cause the minds of the muslims to be stormed by suspicions and doubts in deen.
- 3) To remove the confidence of the people from the pious predeccesors and the four Imams.
- 4) To cause the masses to become liberal and lax in matters of religion and to make people pick and choose to suit their own whims and fancies.

In order to accomplish their mission, the plan of action they executed was:

- 1) They used the differences between the four madhahib as a basis for creating confusion and doubts.
- 2) They invited towards practising upon isolated opinions which oppose the mainstream view of the Ummah.
- 3) They allowed the masses to randomly choose from different madhahib and not to blindly follow one madhahib.
- 4) They promoted the concept of rationalising deen to suit contemporary times.
- 5) They encouraged the masses to refer directly to the Quran and Hadith in finding religious soloutins to modern day problems.

- 6) They exhorted the masses to reinterpret the Quraan and Hadith to fit contemporary situations.

Those who tread along the path of Salafiyaat will only remain muslim by name, but bereft of the Sunnah of Rasulullah (pbuh). As far as their lifestyle and outlook is concerned, they will subject themselves to western cultures and traditions, thus, leading a carefree life governed by desires. An interesting fact is that Salafis are obliged to show speciality to Arab people – this is stated in their creed of Al-Barbahari. This could possibly suggest the reason as to why they flourished in Arab countries. Unfortunately the fitna is spreading at a rapid pace all around the world.

It is reported from Hadhrat Ali that Rasulullah (PBUH) said: “Soon a time will dawn upon the people when Islam will only remain in name and the Quraan will be confined to its text. The masaaqid will be full of people but void of misguidance. The ulama (of that time) will be the worst people on the face of the earth. They will be the cause of mischief and corruption spreading in the earth and the corruption will return to them.”

Abu Tha’labah reports that Rasulullah said: “A time will dawn upon my Ummah before Qiyaamah when you will witness people fulfilling their greed, following their base desires, giving preference to dunya over deen and being satisfied with their own reasoning and understanding.”

The prophet (PBUH) has forewarned us of such a time which we are presently witnessing. The preservation of the true spirit and teaching of Deen has become secondary and people have attempted to scuttle the smooth sailing ship of Islam by creating an environment of self opinion and deviation from the firmly established path of the pious predecessors.

Following one of the four imams is wujoob-bil-gharihi (compulsory on account of it only being a medium to fulfilling the Islamic injunction to Deen, though it isn’t directly established in any of the textual proofs via the Quran or Hadith) in deen. The reason for it receiving the status of wujoob is that without Taqleed of the four Imams, one will not be able to correctly practise upon the entire deen. Especially in this time and age where we see science and technology at its peak, new inventions and

developments have become a norm in current times. In short, the world has evolved to such limits which were never witnessed previously throughout the annals of human history. The progress and advancements of the world in the present era poses a host of challenges before the Ulama. Thus we find the masses constantly referring their Deeni matters and problems to the Ulama seeking Islamic rulings and guidance due to the unfolding of new events and developments. Subsequently, in the face of these challenges we find the Ulama completely reliant and dependent upon the works of their four Imams. They refer to the books of these Imams who were blessed with such foresight and illuminated knowledge that despite living approximately thirteen hundred years ago, yet they were able to produce accurate solutions for situations surfacing centuries later. The answers and solutions which they presented were directly sourced out from the Quran and the Ahadith of Rasulullah.

When practising one of these four madhabs is the only way for us to practise our deen entirely, following one of the four madhahib will thus become compulsory; not because following these Aimah is an explicit injunction in Deen, but because there is no other route one can adopt whereby he will be able to practise upon the entire deen without omitting anything. This is the legal status of following a madhab.

When examining the lives of these four imams, the glaring feature that we notice is that they all strictly adhered to the sunnah of the prophet (PBUH) in every facet of their lives. They could be aptly described as entirely a personification of the sunnah of rasulullah (PBUH) in every walk of life.

The purpose of life is worship. Everything else is secondary. Allah has provided us with everything necessary in order to live and fulfil this goal. We have been given air, food, water etc. Wouldn't Allah provide us with scholars in order to understand the Quran and Sunnah? Or is this a task we must undertake? Hence, we come to understand the great luminaries to be produced in the form of the four Imams.

In conclusion to this vastly discussed topic I would like you to picture a scene. Consider if one hundred people in this time and age begin extracting laws from the Quraan and Hadith, each one presenting

to the public his personal viewpoint of a verse with each person reaching different conclusions, will we regard this as a service to the deen or a disservice? Will Allah entrust us to our limited understanding and logic? If one prefers to adopt this method in matters of deen we can well imagine the detrimental outcome and grave consequences it will create in the Ummah, let alone the confusion and perplexity it will produce in the mind and heart. Thus the safest and most cautious path to adopt would be to follow one of the four great Imams of fiqh whose lessons and teachings have been thoroughly scrutinised and researched. In fact, it would not be incorrect to declare that in order for a muslim to be able to practise deen entirely it would be waajib for him to align himself to one of the four madhahib.

May Allah bless each and every member of the Ummah with the true understanding of the Deen and the ability to follow in the path of the pious and righteous predecessors.



## **The four esteemed Imams**

Through studying the lives of the four Imams (Imam Abu Hanifa, Imam Shafiee, Imam Malik, Imam Ahmad) one would undoubtedly be convinced that they were worthy of the position of Imamat. Their piety, righteousness and consistency in adhering to every teaching of the Quraan and Sunnah and possessing encompassing knowledge of every department of Deen had made them the centre of attraction in their eras and a source of guidance for the Ummah for centuries that followed up to this day. They could be aptly described as the bearers of the knowledge of the former people (the Sahaabah and Taabieen). On account of this, from the millions of scholars in every field, Allah handpicked them and divinely selected them for the guidance of this Ummah for the centuries that passed up until this day. Due to the sheer amount of information regarding these esteemed scholars being available, in-sha-allah, I want to keep this part of the book as brief as possible in order to emphasise the main points as to why their selected madhabs have flourished and prospered.

### **Imam Abu Hanifa**

Imaam Abu Hanifa's name was Nu'man bin Thaabit. He was born in the year 80 AH and passed away in the year 150 AH.

Allamah Ibn Katheer (d.774 AH) writes about Imam Abu Hanifa: "...One of the four Imams of the madhahib that are followed. He was the first amongst them in demise, as he had also witnessed the era of the Sahaba. He saw Anas Ibn Malik. It is related that he also met other Sahaabah as well. Some even mention that he narrated from seven of the Sahaabah. And Allah Taala knows best."

Allamah Dhahabi (d.778 AH) states: "He (Abu Hanifa) met Anas on a number of occasions when he visited them in Kufa."

### **Piety and virtues**

Allamah Al-Khatib Al-Baghdadi states: "It has been recorded about Imam Abu Hanifa that he performed Salatul Fajr and Isha with the same

wudhu for forty years and it is also recorded that he completed 7000 Quran Khatams (complete recitals) of the Quran in his lifetime.”

Imam Shafiee says that on one occasion Imaam Malik was asked – “Did you ever meet Imam Abu Hanifah?” Imam Malik replied. “Yes, Imam Abu Hanifa was a man who if he claimed that a certain pillar was made of gold, he would present sound and unbreakable evidence to establish this claim.”

Shareek says: “Imam Abu Hanifa was a person who used to observe silence for lengthy periods, and a man of great intelligence.”

Ibn Ishaq Samarqandi says that Imaam Abu Yusuf said: “Imam Abu Hanifa used to complete a khatam of the Quran every night within one rakaat.”

Misaar bin Kidaam says: “One night I went into the Masjid where I saw a man performing Salah. I was taken aback by his melodious recitation of the Holy Quraan. When he reached the seventh juz of the Quraan, I thought that he may go into ruku any moment but he didn’t until he recited one third of the Quraan. I thought that he may go into ruku at the termination of half the Quraan, but he continued until he recited the entire Quraan in one rakaat. Upon closer inspection, I realised it was Imam Abu Hanifa.

Abu Muayyid Khwaarizmi narrates that Abdullah bin Mubarak said: On one occasion a few goats were stolen in Kufa. On hearing this, Imam Abu Hanifa enquired about the average maximum age of a goat. When he was informed that a goat normally lives up to around seven years, he abstained from eating goat meat for seven years.”

Imam Abu Hanifa was once asked: “How did you acquire this high position in Deen and the great treasures of Ilm?” Imam Abu Hanifa replied – “I never acted miserly with the knowledge that Allah gave me. Instead I always shared it with the people, and I never regard it to be below my dignity to seek knowledge from the Ulama.”

### **His Madhab**

Allamah Sharaani states in his kitaab ‘Al-Meezan’, “I was blessed with a vision from the side of Allah wherein I had seen the Madhahib of the

imams in the forms of streams. I saw the madhahib of Imam Abu Hanifa, Imam Malik, Imam Shafiee, Imam Ahmad Bin Hanbal as large streams flowing with force, while the Madhahib of the other Imams of that era which had become extinct were small streams which later dried up and became hard like rocks. From the four Imams, the imam whose stream was the longest was Imam Abu Hanifa. It was followed by the stream of Imam Malik and then by Imam Shafii, then Imam Ahmad. The one with the shortest stream was Imam Dawood – whose madhab was discontinued in the 5<sup>th</sup> century due to being deserted. I interpreted this dream as a reference to the duration of the time the different madhahib will be practised on.”

### **Glad tidings**

Hafiz Jalaalud Deen Suyooti mentions that the Ulama have mentioned that the prophet (PBUH) had issued glad tidings in favour of Imam Abu Hanifa in the following Hadith – Imam bukhari and Imam Muslim narrate it from Hadhrat Abu Hurairah that Rasulullah (PBUH) said: “Had knowledge been at the Thurayya star, then Allah will create a man from Persia who will acquire this knowledge.”

Allamah Suyooti says that this hadith is authentic and that it is a glad tiding in favour of Imam Abu Hanifa.

Abu Yahya al-Himmani says that he heard Imam Abu Hanifa say: “I once saw a dream which made me very concerned. I had came to Basrah, and instructed a person to go and ask Muhammad Bin Sireen the interpretation of the dream on my behalf. Muhammad Bin Sireen upon hearing the dream, replied: “The one who had seen the dream will be blessed by Allah with bounties of gathering the Ahadith of the prophet (PBUH) and also the knowledge of the deen, and present it to the Ummah.”

### **Generosity**

Muthanna bin Rajja said: “Whenever Imaam Abu Hanifa would spend on his family, he would spend the same amount in charity.”

Imam Abu Hanifa used to spend cash to Baghdad in order to purchase goods to be sold in Kufa. The profit would be accumulated and utilised in the food, clothing and other needs of the Muhaditeen. He would then

present the remaining profit to them in the form of cash and he would tell them, "Praise Allah alone and not me. I have not disbursed anything from my wealth but from the wealth of Allah. By Allah, whatever he has bestowed upon me is your trust which he has sent to you through me."

Imaam Misar bin Kidaam narrates: "It was the habit of Imam Abu Hanifa that whatever he purchased for his family, he would spend the same amount on the senior Ulama, and whenever he purchased clothing for his family, he used to buy the same amount for the senior Ulama as well. At the onset of the fruit season, whatever he intended to purchase for his family members he would first purchase the same for the senior Ulama."

### **Principles governing his madhab**

Nooh al Jaami reports that Imam Abu Hanifa said: "We submit ourselves to whatever is reported from the prophet (PBUH) and from the Sahaabah. We give them preference over the statements of others and personal logic. However, that which is reported from anyone else, then they are men and so are we. (Hence, we are not bound to accept it, instead we will employ our ijtihaad in reaching the conclusion)."

His expertise in the field of hadith

His expertise and proficiency in the field of Hadith can be summed up in the words of Imam Abu Yusuf who himself was a great Muhaddith and the Ustaad of Imaam Ahmad Bin Hambal – He says: "Imam Abu Hanifa had much more insight regarding authentic Hadith than me." He further says: "I have not witnessed anyone more learned in the field of HAdith than Imam Abu Hanifa."

Abu Muhammad Al-Haarithi narrates that Imam Abu Yuduf said: "Whenever we discussed any Deeni issue with Imam Abu Hanifa to which his contemporaries unanimously agreed, I would go to the Mashayikh of Kufa to search for a clear Hadith in verification of his opinion. I would often come across two or three Ahadith which I used to present to him in verification of his opinion. I once enquired from him regarding how he had come to know about this Hadith. He replied: "I am well acquainted with the Ahadith reported by the Ulama of Kufa."

Abu Yaqoob Yusuf Bin Ahmad Makki narrates that Abdullah bin Ahmad bin Ebrahim Dawraqi said, "I was present in the gathering where Yahya

bin Maeen was asked about Abu Hanifa. He replied: "He is reliable in terms of accepting Hadith from him. I have not heard any of the Muhadditheen portraying him to be unreliable.

Look at Imam Shu'bah; he writes to Imam Abu Hanifa requesting him to explain a few Ahadith, and Shubah after all is Shubah. (In other words, in the field of Hadith, Imam Shubah is of a very eminent rank.)

Imam Abu Hanifa declared that a narrator should only narrate a Hadith if he remembered it thoroughly, from the day he heard it till the day he is narrating it.

Ali bin Madeeni says: "Sufyaan Thauri, Abdullah bin Mubaarak, Hammad bin Zaid, Hishaam, Waki bin Jarrah, Abbaad bin Awaam and Jafar bin Aun has narrated Ahadith from Imam Abu Hanifa. His Ahadith are quite accepted by the Muhaditheen."

Shabaabah says that Shubah held a favourable opinion of Imam Abu Hanifa.

Khateeb Baghdaadi narrates that Sufyaan bin Uyaynah said: "The first person who accorded me a seat of honour in the field of Hadith was Imam Abu Hanifa. When I arrived in Kufa, he openly informed the people that I am most knowledgeable in regard to the Ahadith of Amr bin Dinaar. The people started gathering around me and I started teaching those Ahaadith to them."

Sufyaan bin Uyaynah (the Ustaad of Imam Shafiee) is reported to have said: "My sight has not fallen on anyone as great as Imam Abu Hanifa."

Hibbaan bin Moosa said: "We were once seated in the company of Abdullah bin Mubaarak (the student of Imam Abu Hanifa and from the Ustadhs of Imam Bukhari {one of the narrators appearing in Bukhari Sharif}). He was dictating Ahadith to us, when he said: "Numaan bin Thaabit narrated to me...". Someone asked him, "O Abu Abdir rahmaan, who are you referring to by this name Nu'maan bin Thaabit?" He replied, "I am referring to Imam Abu Hanifa, who is a treasure house of 'ilm'." Upon hearing this, some of the students terminated the copying down of Hadith from him. Abdullah bin Mubaarak remained silent for some time, after which he remarked, "O people, how disrespectful of you! Certainly you are not aware of the status of the Imams in the deen. Nobody is as

worthy of being followed as Imam Abu Hanifa. Indeed he was an Imam. He was extremely pious and his reputation was untarnished. He was a very devout Aalim and a Faqeeh. He explained Ilm with deep insight and profound understanding. He possessed unique Taqwa that very few people possess.” The narrator adds: “Abdullah Bin Mubarak thereafter swore an oath that he will not teach them for another month.”

### **His expertise in the field of fiqh**

Yahya bin Maeen is reported to have said: “According to me, the most reliable and most esteemed Qiraat is the Qiraat of Hamza while in Fiqh it is the Fiqh of Imam Abu Hanifa. I have found the predecessors holding the same view as well.”

Imam Shafiee is reported to have said about Imam Abu Hanifa: “People are entirely dependent upon Imam Abu Hanifa in Fiqh.”

It is also worthy to note Imam Abu Hanifa met Imam Malik on several occasions and both respected each other dearly. They discussed many different topic and when one spoke, the other remained silent. As well as this, they performed Hajj together. In another instance, Imam Malik saw Imam Abu Hanifa outside the Masjid and he insisted that Imam Abu Hanifa enter the Masjid first as a sign of respect. They debated and accepted each other’s perspective and both had love and esteem for one another.

When Yahya bin Maeen was asked whether Sufyaan Thauri narrated any Hadith from Imam Abu Hanifa, he said: “Surely he narrated from him. Abu Hanifah was a very reliable narrator and most truthful in expounding the laws of Fiqh. In regards to the deen of Allah, he was regarded as the most reliable and trustworthy.

### **The praise of Imam Shafiee regarding Imam Abu Hanifa**

*The leader of the Muslims, Imam Abu Hanifa, has beautified the cities and those who reside in it.*

*With laws of the Quraan, Ahadith of Rasulullah and the Fiqh of Deen, just like the beauty of the Quraan over all other heavenly scriptures. There was no one like him in the east or in the west, and nor in the city of Kufa.*

*So may the special mercy of Allah perpetually rain upon him, till the end of time as long as the Quran is recited.*

### **Imam Malik**

Imam Malik was born in the year 95AH and was 15 years younger than Imam Abu Hanifa. He passed away on the 14<sup>th</sup> of Rabi-ul Awaal, 179 AH.

### **His expertise**

Abu Nu'aim narrates from Abu Musaab: "I heard Imam Malik say: 'I never passed a fatwa until seventy scholars bore testimony to the fact that I was worthy of issuing fatwa.'

Allamah Zarqaani states that Imam Maalik started teaching Hadith at the age of 17.

Imam Malik said: "I wrote one hundred thousand Ahadith with my right hand."

Imam Shafiee said: "Had it not been for Imam Malik and Sufyan bin uyaynah the knowledge of Makkah and Madinah (Hijaz) would have been lost."

Hammad bin Salamah says: "If someone had to ask me to appoint a person from whom the Ummah of the prophet (PBUH) would be able to attain knowledge from, I would regard Imam Malik bin Anas to be the most suitable and appropriate person for this task."

Once a person asked Imam Shafi'ee, "Did you ever meet anyone like Imam Malik?" Imam Shafiee replied: "I have heard some of those who were more senior than us in age and knowledge saying that they had never seen anyone like Imaam Malik, so how could we have seen someone like him?"

Muthannah bin Saeed mentions that I heard Imam Malik say: "There is no night that passes except that I see Rasūlullāh (PBUH) in a dream."

### **His Caution in Deen**

Abdur Rahman Bin Mahdi says: “A man once asked Imam Malik a maslah (ruling) to which he responded: “ I am not sure about it.” The man exclaimed: “I have indeed travelled to you from such and such a place to ask you about it!” Imam Malik responded: “When you return to your place, inform the people that I have said I am not sure about it.”

Haitham ibn Jameel says: “I was present on one occasion when Imam Maalik was asked forty eight questions – thirty two of which he answered by saying ‘I don’t know’.”

### **Glad tidings**

Hafiz Jalaalud Deen Suyooti says that the Ulama mentioned that Rasulullah had issued glad tidings in favour of Imam Malik in the following manner: “Soon a time will come when people would travel lengthy journeys beating their camels in pursuit of ilm. They would not find anyone as learned as the Aalim of Madinah.” It is also reported in a narration of Tirmidhi that Rasulullah said: “Knowledge will be cut off, and there will not be anyone more knowledgeable than the Aalim of Madinah.” Sufyaan bin Uyaynah said: “The Muhaditheen attributed these glad tidings of Rasulullah to Imam Malik.”

Mutarraf bin Abi Abdilllah said: “I saw Rasulullah in a dream sitting in the masjid with people around him. Imam Malik was standing before him and there was musk in front of Rasulullah. He was taking handfuls from it and giving it to Imam Malik, and Imam Malik was distributing it amongst the people.” Mutarraf then commented, “I interpreted it as the knowledge of Deen and following the Sunnah.”

### **His respect for Hadith**

His gathering was one of great awe, forbearance and knowledge. He was a noble man who was endowed with awe and respect. There was no arguing, shouting or raising of voices in his gatherings.

Ibn Habib said: “When Imam Malik sat to teach Hadith, no one moved from their places until he got up.”

Whenever he sat down to narrate Hadith, he applied perfume and donned new clothes. A carpet was set out for him on which he sat. He emerged from his house with a great amount of humility. He sat before



the Hadith of the prophet (PBUH) with utmost respect and dignity. Oud used to be burnt in the gathering where the Hadith of Rasulullah (PBUH) used to be taught by Imam Malik.

Abdullah Bin Mubarak said: "I was once present in the gathering of Imam Malik while he was relating Hadith to us and a scorpion stung him 16 times. Imam Malik's facial complexion began to change colour, however he continued teaching the Hadith of Rasulullah. After the lesson was over and the students had departed, I asked him the reason for the change in his complexion during the lesson. He informed me regarding the scorpion sting and said, 'I did not move from my place out of respect for the Hadith of Rasulullah.'

Abu Musab says that Imam Malik used to only narrate Hadith in the state of wudhu, out of respect for the Hadith of Rasulullah.

### **His sincerity**

Allamah Zarqani mentioned: "When Imam Malik prepared his Kitaab "Al-Muwatta", he doubted the sincerity and thus feared that the kitaab may not gain acceptance in the sight of Allah. Hence, as a means of testing his Ikhlaas, he resolved within his heart to insert the kitaab in water. In order to determine whether his kitab was written with Ikhlaas, he begged Allah to reveal to him this way that if the kitaab gets wet, then it is a sign the kitaab was not written with ikhlaas. After placing the kitaab in water and removing it, he found it was completely dry."

### **His love and respect for Madinah Tayyibah**

It is related that he only left the Haram of Madinah if he had a valid reason.

Imam Malik possessed great love for the land of Madinah Munawwarah. This love was on account of the love he had for Rasulullah.

Allamah ibn Khalliqaan writes: "Imaam Malik never rode a conveyance in the blessed city of Medina. Even at the time when he grew old and became extremely weak, he preferred to walk rather than being transported by a conveyance. When Imam Malik was asked the reason, he mentioned: 'I feel extremely difficult to ride on a conveyance in the

blessed city of Madinah Munawarah, while the prophet of Allah (PBUH) is buried beneath the ground.”

Imam Malik used to commence teaching the students of Hadith and those residing in Madinah Munawarraah before teaching others. When he was asked the reason for showing preference to the students of Hadith and the people of Madinah, he exclaimed: “These are the neighbours of Rasulullah.”

### **Important Fact regarding His Life**

Imam Malik resided in the house of Abdullah bin Masood in Madinah Munawarah. He did not possess his own house. Instead he rented the house until his demise. In the Masjid, he sat where Umar used to sit and this was the very same place where Rasulullah would lay his bedding whilst sitting for Itikaaf.

### **Imam Shafiee**

Imam Shafiee’s name was Muhammad bin Idrees. He was born in the year 150 AH. (the very year Imam Abu Hanifa passed away) and passed away in the month of Rajab, 204 AH.

### **His expertise**

Imam Ahmad said: “Anyone who used ink and a pen (for the knowledge of the deen) is undoubtedly indebted to Imam Shafiee in some way or the other.” Imam Ahmad also said: “For forty years I have been supplicating for Imam Shafiee after Salah.”

Once Imam Ahmad’s son asked him - “what type of a person was Imam Shafiee? I hear you often supplicating for him?” He replied: “O my beloved son! Imam Shafiee was like the sun for the world and a safety for the people. Think about it, do these two (bounties) have any substitute?”

Abdur Rahmaan bin Mahdi says: “I do not perform any salaah, except that I also make duaa for Imam Shafiee,”

Imam Shafiee was titled in Baghdad as ‘Naasirus Sunnah’ (the saviour of the Sunnah). Ibn Katheer says: “He memorized the Quraan when he was only seven, the Muwatta of Imam Malik when he was ten, and his

Shaykh, Muslim bin Khallaad az-Zanji permitted him to pass verdicts (fawas) when he was only fifteen. (Some narrations state that he was eighteen.) Abu Thowr, one of the Mujtahideen of that era, says: "We never saw anyone like Imam Shafiee."

Abu Ubaid says: "I never saw anyone more eloquent, intelligent and cautious (referring to his state of Wara) than Imaam Shafiee." Imam Ahmad would relate the Hadith narrated by Abu Dawood wherein Abu Hurairah reports that Rasulullah said: "Verily Allah appoints for this Ummah, upon every hundred years, a reviver for its Deen." Imam Ahmad would then comment: "Umar bin Abdul Aziz was sent at the end of the first hundred years and Imam Shafiee was sent at the end of the second century as a reviver."

Ayyoub bin Suwaid says: "I did not think I would live to see a man as great as Imam Shafiee."

Imam Ahmad bin Hambal said: "Imam Shafiee was from amongst the most eloquent of people."

### **His piety**

Rabi says: "Imam Shafiee used to divide his night into three portions. The first third was for writing, the second third for salah and the last third for rest." Rabi also said: "In the month of Ramadhan, Imam Shafiee used to complete the recitation of the Quran sixty times. However it is not possible to calculate how much of it was accomplished in Salah."

Rabi once said: "Imam Shafiee used to complete thirty recitals of the Quraan in every month, but during the month of Ramadhan, he used to complete sixty besides what he recited during Salah."

Ebrahim bin Muhammad Ash-Shafiee says: "I never saw anyone perform Salah better than Imam Shafiee. The reason for this is that he had learnt how to perform Salaah from Muslim bin Khaalid, who learnt from ibn Jurayj, who learnt from Atta, who learnt from ibn Zubair, who learnt from Abu Bakr, who learnt from Nabi.

### **Glad tidings**

Hafiz Jalaalud Deen Suyooti says that the Ulama have mentioned that Rasulullah had issued glad tidings in favour of Imam Shafiee in the following manner: "Do not talk ill of the Quraysh, as an Aalim of the Quraysh would (in the near future) fill the entire world with ilm (knowledge)." The Ulama say that this glad tiding was in reference to Imam Shafiee.

Ibnu Abdil Hakam says that when the mother of Imam Shafiee was pregnant with him, she saw a dream as though she gave birth to a star that became apparent in Egypt, and thereafter a piece of it landed in every town. The interpreter of dreams interpreted this dream as meaning that she will give birth to an Aalim, whose knowledge will be an exclusive for the people of Egypt at first, and then it will spread throughout the world."

### **His intelligence**

Imam Muzani reports that on one occasion we were present by Imam Shafiee when an old man wearing woollen clothing appeared. The old man then asked Imam Shafi: "May I ask a question?" Imam Shafiee gave him permission. He then asked: "What are the Sharia proofs in the Deen of Allah?" Imam Shafiee replied: "The kitaab of Allah." He then asked: "And what else?" Imam Shafiee replied: "The Sunnah of Rasulullah." He then asked: "And what else?" Imam Shafiee replied: "The consensus of the Ummah." He then asked: "What is your proof for this?" Imam Shafiee thought for a while. The old man then said: "I give you respite for three days, either you bring me proof from the Quraan or seek forgiveness and repent to Allah." The facial complexion of Imam Shafi changed. He then went and did not come out until the third day between Zuhr and Asr, in the condition that he was extremely sick. He hardly sat down when the old man came, greeted him and sat beside him. He then asked for his proof. Imam Shafiee said: "Yes", and he began reciting these verses:

*And whoever opposes the Messenger after guidance has become clear to him and follows a path other than the path of the believers, we shall (forsake him) and let him continue on his path, and thereafter We shall drive him towards Hell, and evil it is as an abode. (Surah Nisa, 115)*

The man said: "You have spoken the truth." The man then left. Imam Shafiee said to those seated around him: "I recited the entire Quraan thrice daily for three days, until the proof finally dawned upon me."

Imam Ahmad bin Hambal said: "A scholar of Hadith can never get satiated from studying the kitabs of Imam Shafiee(due to the abundant and profound knowledge contained in it)."

Imam Ahmad bin Hambal said: "The Fuqaha were the doctors, and the Muhaditheen were the pharmacists, Muhammad bin Idress (Imam Shafiee) came as both a doctor and a pharmacist.

### **His Ikhlāas, Humility and Love for Brotherhood**

Imam Rabee mentions that Imam Shafiee said: "It is my desire that people learn and take benefit from the knowledge (in my kitabs), without anything being attributed to me."

Younus As-Sadafi says: "I did not see anyone more intelligent than Imam Shafiee. I debated with him on one occasion regarding a certain maslah, then we separated. He thereafter took hold of my hand and said: 'O Abu Moosa, why can't we still remain closely attached as brothers, even though that I notice that we do not agree on certain issues.'"

### **The Durood of Imam Shafiee**

Ibn Bunaan Asbahaani says that I once saw Rasulullah in a dream and asked him, 'O Rasulullah, has any special honour been granted to Muhammad bin Idrees Shafiee who is the son of your uncle (uncle has been mentioned because Imam Shafi's ancestry meets Rasulullah's ancestry at Abd Yazeed bin Hishaam. Hishaam was the great grandfather of Rasulullah (PBUH). Rasulullah (PBUH) replied: "Yes indeed. I have supplicated to Allah that he be saved from the reckoning on the day of Qiyammah." I then asked, "O Rasulullah, on account of which deed did he become worthy of such a favour?" Rasulullah replied: "It is because he has recited such a durood upon me that no one else ever recited." I then enquired: "O Rasulullah, what is that durood?" Rasulullah replied:

*“O Allah! Bestow special mercy upon Hadhrat Muhammad equivalent to the number of times that he was remembered, and bestow special mercy upon Hadhrat Muhammad equivalent to the number of times that the neglectful forgot to remember him.”*

### **Imam Ahmad bin Hambal**

Imam Ahmad was born in the year 164 AH and passed away on the morning of Friday the 12<sup>th</sup> of Rabi-ul-Awwal, 241 AH at the age of 77.

#### **His expertise**

A reputed Muhaddith, Ebrahim Al-Harbi (d.285 AH) says: “I had the opportunity of seeing Imam Ahmad bin Hambal. It seemed as if his heart was a treasure-chest containing all the knowledge granted to human beings, past and present. He could reveal whatever he saw relevant, and hold back what he did not desire to divulge.” Abu Zur’ah says: “Imam Ahmad was a Hafiz of one million Ahadith.” Someone asked: “How do you know?” He said: “I revised with him, and noted the chapters from him.” Imam Abdur Razzaq said “I never saw anyone greater in Fiqh and Wara (caution in matters of Deen) than Imaam Ahmad bin Hambal.”

Harmala has reported that I heard Imam Shafiee say: “At the time when I left Baghdad, I did not leave any person behind that was greater than Imam Ahmad in knowledge and Fiqh.”

Ali bin Madeeni said; “At the time of crisis, Allah had supported this Deen with two personalites, with Abu Bakr on the day when the tribes had turned apostate, and with Imam Ahmad bin Hambal at the time the Ummah was tested with the fitna of the muatazila (a deviated sect).

#### **His Humility and Character**

Muhammad ibnul Hassan bin Haroon said: “I saw Abu Abdullah (IMAM AHMED) when he was walking. He disliked that anyone should follow him.

Imam Yahya bin Maeen says: “I never saw the like of Imam Ahmad. We accompanied him for fifty years. He never once flaunted himself for the good that he possessed.”

#### **Trials and tribulations**

Imam Ahmad was unimaginably harassed and tortured by the rulers of his time. During Ramadhan 221 AH when he was 57 years of age, he was imprisoned and lashed. The reason for this was due to the ruling (maslah) he passed refuting the muatazilah (a deviated sect) regarding a certain issue. He was severely lashed eighteen times, which caused him to fall unconscious. Thereafter he was thrown down upon his face, a mat was placed over him and his body was trampled. When he regained consciousness and food was placed before him, he refused to eat as he was fasting. Each one of those who took part or witnessed the lashing was forgiven by Imam Ahmad except those who were in deviance. He showed endurance and forbearance during being tortured and may Allah give him the highest level of Jannah to dwell in as his eternal abode.

### **The Period after the Trial**

The Caliph Mutawakkil succeeded Caliph Waathiq in 232 AH. He held Imam Ahmad in high esteem, but Imam Ahmad remained cautious since he regarded the favours of the king as a temptation towards evil. Once Mutawakkil sent him a bag of ten thousand dirhams and about two hundred dinars. It was emphasised that he should accept it lest the king would be offended if the gift was refused. Imam Ahmad did not even look at it. At the time of Maghrib, he called his son Saalih and said, "Keep this by you." Before dawn the next morning, Imam Ahmad called for his son, who immediately came. He said to him, "I haven't slept last night", and he began to weep. He continued, "All my life I remained safe from the rulers and kings. Now, in old age, I am being tested with them. I have decided to distribute this wealth in the morning. That morning, he continued distributing the money to the various factions of the poor and needy until the entire amount was spent. He then also gave the bag away to a destitute person. His son says: "We were experiencing such poverty (at that time) which only Allah knew."

### **His piety**

His son Abdullah relates: "My father used to perform three hundred rakaat daily. When he became ill due to the lashes which weakened him, he used to perform one hundred and fifty rakaat. At that time he was close to eighty years of age. He used to recite one-seventh of the the

Quraan daily – thereby completing the Quran in seven days. Besides the Salah of the day, he used to complete one recital in seven nights as well. After performing Isha salah, he used to have a light nap, then stay awake up to the morning performing Salah and making dua. My father performed Hajj five time, three on foot and two by conveyance. On one of his journeys of Hajj he spent only 20 dirhams.

Ebrahim bin Shammass says: “I knew Imam Ahmad as a child, staying awake during the night (in Ibaadah).”

### **His Adab (Respect) in Deen**

Imam Ahmad bin Hanbal never called any of his teachers by their names out of respect for them. Rather, he would refer to them by their titles.

Once, Imam Ahmad was lying down due to an illness. In the middle of the discussion someone mentioned the name of Ebrahim bin Tahmaan. On listening to this name, Imam Ahmad immediately sat up out of respect. Thereafter he remarked, “It is inappropriate that the names of the elders are mentioned whilst we are sitting and relaxing.”

I hope we can learn to contemplate the status of the four imams and the impact they had in religion. May Allah shower his mercy upon them and resurrect us with them. With the grace and power of Allah, May all the muslim ummah unite and aim to reach the ultimate goal of Jannah. Ameen.